



**WEST VIRGINIA BOARD OF VETERINARY MEDICINE**  
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**MINUTES**  
**JANUARY 5, 2023 @ 9:00 AM**  
**WHITE SULPHUR SPRINGS, WV**

Members Present: Dr. Keith Berkeley (attended virtually and left the meeting at 11:55 am); 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: Joanne Vella, Attorney General's Office, Brandi Legg, Secretary, Dr. Barbara Meade, Investigator  
Minutes taken by: Trish Holstein

- I. The meeting was called to order at 9:02 am.
- II. Dr. Berkeley went over the Mission Statement.
- III. There were no Public Comments.

Dr. Sette motioned to go into executive session to discuss disciplinary cases at 9:04 am; seconded Mrs. Long. Motion carried.

Dr. Gilpin motioned to go out of executive session at 10:19 am; seconded by Dr. Fallon. Motion carried.

**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. Patton and Dr. Meade discussed the November/December site visits.
  - Dr. Sette motioned that since Dr. McMahon gave his notification of facility closure that no more facility visits are required; seconded by Dr. Piercy. Motion carried. Dr. Berkeley wasn't present for the motion.
- b) Case No.1021A & 1021B Dr. Timothy Knotts
  - Consent Agreement effective March 22, 2022.
    - Attended 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 (December 23, 2022). Board consideration of patient medical records.
  - **Mrs. Long** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Meadows**. Motion carried. Dr. Berkeley wasn't present for the motion.
- c) Case No.1021F Dr. Laura Means
- Consent Agreement effective April 29, 2022.
    - Within 6 months of the Consent Agreement (October 29, 2022)
      - Completed 3 hours of Board approved CE on the subject of medical record keeping.
      - Completed 3 hours of Board approved CE on the subject of dental surgery/extraction.
      - 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.
    - Within 3 months of Consent Agreement (July 29, 2022)
      - Reimbursed administrative cost July 21, 2022.
    - Within 3 months of completing the CE, submit a total of five 5 patient medical records.
  - **Dr. Fallon** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Sette**. Motion carried. Dr. Berkeley wasn't present for the motion.
- d) 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.
- e) Case No.0222A Dr. Jamie Totten
- Consent Agreement effective September 15, 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 15, 2022)
      - Reimbursed administrative cost October 13, 2022.
  - **Dr. Sette** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Fallon**. Motion carried. Dr. Berkeley wasn't present for the motion.
- f) 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).
  - **Mrs. Long** motioned to request the Inspector to visit the facility prior to the next board meeting and to provide to the Inspector the Findings of the Consent Agreement along with the insufficient details of the submitted patient records and to also send a letter to Dr. Combs with the Board's findings of the insufficient details of the patient records; seconded by **Dr. Sette**. Motion carried. Dr. Berkeley wasn't present during the motion.

- g) Case No.0622E Dr. Normal Wilt
- Consent Agreement effective November 28, 2022
    - Within 6 months of Consent Agreement (May 28, 2023).
      - Complete 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.
      - Complete 3 hours of Board approved CE on the subject of radiology.
      - Complete 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)
      - 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.
- h) Case No.BVMCE0522A Dr. Amy Chronister
- Consent Agreement and Order effective August 16, 2022.
  - Paid Fine 8/16/22.
- i) Case No.BVMCE0522C Dr. Sierra Guynn
- Consent Agreement and Order effective August 16, 2022.
  - Paid Fine 8/10/22.
- j) Case No.BVMCE0522D Dr. Rick Jenkins
- Consent Agreement and Order effective August 16, 2022.
  - Paid Fine 8/10/22.
- k) Case No.BVMCE0522E Dr. Thomas Overbay
- Consent Agreement and Order effective August 16, 2022.
  - Paid Fine 8/4/22.
- l) Case No.BVMCE0522F Dr. Justine Saville
- Consent Agreement and Order effective August 16, 2022.
  - Paid Fine 8/18/22.
- m) Case No.BVMCE0522G Dr. Alan Sharpton
- Consent Agreement and Order effective September 7, 2022
  - Paid Fine 8/19/22.
- n) Case No.BVMCE0522H Dr. Laura Slack
- Consent Agreement and Order effective August 16, 2022.
  - Paid Fine 8/4/22.
- o) Case No.BVMCE0522I Dr. Susan Smith
- Consent Agreement and Order effective August 16, 2022.
  - Paid Fine 8/11/22.
- p) Case No.BVMCE0522K Olivia Nelson, RVT
- Consent Agreement and Order effective September 7, 2022.
  - Paid Fine 9/1/22.
- q) Case No.BVMCE0522L Kristin Snider, RVT
- Consent Agreement and Order effective September 15, 2022.
  - Paid Fine 9/9/22.

## BOARD CONSIDERATION:

- r) Case No.0622A (Original complaint received 6/3/22)
  - 6-month letter sent 11/21/22
  - 18-month letter required 11/21/23
  - **Mrs. Long** 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 during the vote.
- s) Case No.0622B (Chewy Case) (Original complaint received 8/2/22)
  - 6-month letter required 2/2/23
  - 18-month letter required 2/2/24
  - Joanne, Attorney, advised that the case is in a civil litigation and for the Board to continue monitoring.
- t) Case No.0622D (Chewy Case) (Original complaint received 8/2/22)
  - 6-month letter required 2/2/23
  - 18-month letter required 2/2/24
  - Joanne, Attorney, advised that the case is in a civil litigation and for the Board to continue monitoring.
- u) Case No.0922A (Original complaint received 09/26/22)
  - **Dr. Fallon** motioned to not find probable cause; seconded by **Dr. Piercy**. Motion carried. The small animal complaint committee recused themselves and left the meeting during the vote.
- v) Case No.1022A (Original complaint received 10/31/22)
  - **Mrs. Long** motioned to not find probable cause; seconded by **Dr. Fallon**. Motion carried. The small animal complaint committee recused themselves and left the meeting during the vote. Because **Dr. Gilpin's** relative is the Respondent, he recused himself and left the meeting from the vote.
- w) Case No.1122A (Original complaint received 11/21/22)
  - 6-month letter required 5/21/23
  - 18-month letter required 5/21/24
  - **Mrs. Long** motioned to not find probable cause; seconded by **Dr. Fallon**. Motion carried. The small animal complaint committee recused themselves and left the meeting during the vote.
- x) Case No.1122B (Original complaint received 11/21/22)
  - 6-month letter required 5/21/23
  - 18-month letter required 5/21/24
  - Consideration of Disciplinary
  - **Mrs. Patton** motioned to further investigate and to ask the veterinary in charge for surgical notes and anesthesia screening or monitoring log; seconded by **Mrs. Long**. Motion carried

## V. Approval of Minutes

- a) **Dr. Sette** motioned to approve the September 22, 2022 minutes; seconded by **Mrs. Meadows**. Motion carried. Dr. Berkeley wasn't present for the motion.

## VI. Reports

- a) The Board accepted and reviewed the treasurer's report and itemized object codes which will be filed for auditing.
- b) **Mrs. Long** motioned to approve the P-Card Charges September 17, 2022 –November 16, 2022; seconded by **Dr. Sette**. Motion carried. Dr. Berkeley wasn't present for the motion.
- c) The Complaint Committee met January 5, 2023.
- d) Boardable contract went effective 11/1/22 and is a 3-year contract.
- e) Dr. Berkeley, Dr. Gilpin, Trish, and Brandi attended the State Licensing Board Auditor's Training November 1, 2022 and discussed topics from the training.
- f) The Board reviewed the record keeping training cost breakdown and feedback.
- g) The Board reviewed 2021/2022 biennium report.
- h) Dr. Fallon and Mrs. Long were re-appointed as Board Members on October 11, 2022.
- i) Dr. Berkeley advised that he met with the WVVMA and discussed the Board's hot topics.
- j) CAET Certification was held December 2-4, 2022, in Morgantown, WV.

- k) wvbvm.gov website has been approved through .gov and is now under the Board's domain and once it's setup with the database provider, the licensees will be notified.
- l) Executive Director Report
  - The Board reviewed the facility inspection list from September 1 – November 30, 2022.
  - The Board reviewed the applications approved by the Executive Director and statistics from September 1 – November 30, 2022.

## VII. The Board Responded to the Public Questions.

## VIII. New Business

- a) The Board reviewed comments and suggested modifications for the Chapter 30 Law revisions. The Board will review again at the next Board meeting.
- b) **Dr. Gilpin** motioned that after reviewing public comments for Series 2 Rules revision, to approve the Rules to be submitted to the Secretary of State; seconded by **Dr. Piercy**. Dr. Berkeley wasn't present for the motion.
- c) **Dr. Fallon** motioned for the Board's hosted CE to be either on September 8, 2023, for the primary date and September 15 being the backup date and to provide a reception after the training.; seconded by **Mrs. Long**. Motion carried. **Dr. Sette** motioned to charge a fee of \$25.00 for the training; seconded by **Mrs. Long**. Motion carried. There will be a committee of Dr. Piercy, Dr. Fallon, Joanne, and Trish. The committee will meet and create the agenda and examples of patient records for spay/neuter and samples of surgery notes and anesthesia logs. Dr. Berkeley wasn't present for the motion.
- d) **Mrs. Meadows** motioned that if a veterinarian with the same registered WV veterinary facility has established a VCPR with the patient, another veterinarian from that facility can provide telehealth veterinary services to that patient under that same VCPR. seconded by **Mrs. Long**. Motion carried. Dr. Berkeley wasn't present for the motion.
- e) The Board reviewed the charitable volunteer license application and certificate.
- f) **Dr. Fallon** motioned that during a vaccine, microchip, or rabies clinic, the patient should have enough of an exam to know that the patient is healthy enough to receive a vaccine. The more you examine and document, the safer the pet and you will be in the long run; seconded by **Dr. Gilpin**. Motion carried. Dr. Berkeley wasn't present for the motion.
- g) The Board reviewed and made suggestions for the Record Keeping Guidance. Monica will make the revisions and provide it to the Board at the next Board meeting.
- h) **Dr. Fallon** motioned pursuant to the Privacy Policy, to remove the full social security number on applications and to only use the last 4 digits; seconded by **Dr. Gilpin**. Motion carried. Trish will further investigate if the home address is considered private under the Privacy Policy. Dr. Berkeley wasn't present for the motion.
- i) Trish showed a presentation of the Boardable software and how it operates. Brandi will register each Board member and the Board will review how Boardable functions on their computer or tablet at the next Board meeting. **Mrs. Patton** motioned that if a Board member needs a new iPad in order to download the Boardable app, to allow a purchase of a new tablet; seconded by **Dr. Sette**. Motion carried. Dr. Berkeley wasn't present for the motion.
- j) **Mrs. Long** motioned to approve Trish and Dawn, Inspector, to attend the Humane Society Expo held April 2-6, 2023; seconded by **Mrs. Meadows**. Motion carried. Dr. Berkeley wasn't present for the motion.
- k) Dr. Piercy will attend, and Dr. Gilpin will advise if he's available to attend the AAVSB Board Basics & Beyond held April 14-15, 2023 Dr. Berkeley wasn't present for the motion.
- l) **Dr. Sette** motioned for a letter be sent to the groomer that's accused of administering vaccines; seconded by **Mrs. Long**. Motion carried. Dr. Berkeley wasn't present for the motion.
- m) The Board discussed strategy and goals for 2023.
- n) **Mrs. Long** motioned to approve the purchase of shirts for Board members and trainers when representing the Board on official business; seconded by **Mrs. Meadows**. Motion carried. Dr. Berkeley wasn't present for the motion.
- o) The Board agreed that a 50-minute CE is equivalent to a 1-hour CE.
- p) **Dr. Sette** motioned to provide a presentation to RVT Students; seconded by **Dr. Gilpin**. Motion carried. Dr. Berkeley wasn't present for the motion.

- q) **Dr. Fallon** motioned to approve a new door and security camera for the Board office up to \$5,000; seconded by **Mrs. Long**. Motion carried. Dr. Berkeley wasn't present for the motion.
- r) **Mrs. Meadows** motioned to approve the Newsletter as revised; seconded by **Mrs. Long**. Motion carried. Dr. Berkeley wasn't present for the motion.
- s) The Board discussed the NBCAAM massage and acupressure regulation.
- t) **Mrs. Long** motioned to approve the CE extension for Dr. Daniel Cain; seconded by **Dr. Sette**. Motion carried.
- u) The Board discussed storage of vaccines and requested for the Inspector while doing facility inspections to inspect how mixed vaccines are stored.

**IX. The next Board Meeting will be held at Glade Springs on April 28, 2023 as the priority date and April 21, 2023 as the backup date.**

**X. The Meeting was Adjourned at 3:42 pm.**

  
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Monica R. Patton, RVT  
Secretary-Treasurer