



WEST VIRGINIA BOARD OF VETERINARY MEDICINE
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MINUTES
APRIL 24, 2024 @ 9:00 AM
STONEWALL RESORT – KANAWHA ROOM

Members Present: Dr. Keith Berkeley; Dr. Donna Piercy; Mrs. Monica R. Patton; Dr. Jesse Fallon;
Dr. K.W. Gilpin; Mrs. Amy Meadows; Dr. Shawn Sette
Members Absent: Dr. Mark Ayers; Mrs. Jo Long
Non-Members Present: Joanne Vella, Attorney General's Office (via Google Meet); Brandi Legg, Secretary; Dr.
Barbara Meade, Investigator; Ms. Hollie Burnside
Minutes taken by: Trish Holstein

I. The meeting was called to order at 9:10 am. **Dr. Gilpin** moved to adopt the agenda; seconded by **Mrs. Patton**. So moved.

II. 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. Public Comment

- Ms. Hollie Burnside spoke about her experience assisting an equine dental technician in VA. She advised that VA has testing requirements to be an equine dental technician. She would like the Board to regulate equine dental technicians and require CE. She also advised that she is having trouble keeping and finding a large animal veterinarian.
- Ms. Linda Lyter, Executive Director, WV Massage Therapy Licensure Board, spoke to the Board regarding a member of the public wanting to perform massage and other therapies on an animal. Ms. Lyter advised the Board that the WV Massage Therapy Board does not regulate massage performed on animals. The Board advised that an unlicensed person needs to be supervised under general supervision by a WV licensed veterinarian.

Dr. Sette moved to go into executive session to discuss disciplinary cases, employee evaluations, and salary at 10:00 am; seconded by **Dr. Gilpin**. So moved.

Dr. Piercy moved to go out of executive session at 1:27 pm; seconded by **Dr. Gilpin**. So moved.

IV. Disciplinary Committee Report

EXECUTED OR CONSENT AGREEMENTS OFFERED:

- a) Case No.0622A Dr. Julia Thomas
 - 6-month letter sent November 21, 2022.

- 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.
 - Attended the Board's Record Keeping Training September 23, 2023.
 - **Dr. Sette** 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.1222A and Case 0323B Dr. Kevin Hennessy
- 6-month letter for case 1221A sent June 21, 2023.
 - 6-month letter for case 0323B sent September 17, 2023.
 - 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.
 - Submit 4 patient medical records every month.
 - 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.
 - Summary Suspension effective January 4, 2024.
 - Consent Agreement effective March 18, 2024
 - Revoked License
- c) Case No.1023B Dr. Kevin Hennessy (Original complaint received 10/31/23)
- Summary Suspension effective January 4, 2024.
 - Consent Agreement effective March 18, 2024
 - Revoked License
- d) Case No.0323C Jacqueline Chevalier
- 6-month letter sent October 10, 2023.
 - Consent Agreement effective February 5, 2024.
 - Within 3 months of Consent Agreement (May 5, 2024).
 - Complete 3 hours of Board approved CE on the subject of Urinary System.
 - 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 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.
- e) Case No.BVMCE0523A Dr. Jessica Anderson
- Consent Agreement and Order effective July 26, 2023.
 - Paid Fine July 13, 2023.
 - **Mrs. Meadows** moved to submit a Board initiated Complaint for not responding to the CE Audit; seconded by **Dr. Piercy**. So moved.
- f) Case No.BVMCE0523B Dr. Allison Dascoli
- Consent Agreement and Order effective May 17, 2023.
 - Paid Fine May 16, 2023.
 - Compliance to CE audit for calendar year 2024.
 - **Dr. Piercy** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Sette**. So moved.
- g) Case No.BVMCE0523C Dr. Conrad McCoy
- Consent Agreement and Order effective May 30, 2023.
 - Paid Fine May 26, 2023.
 - Compliance to CE audit for calendar year 2024.
 - **Dr. Piercy** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Sette**. So moved.
- h) Case No.BVMCE0523D Dr. Linda Richards
- Consent Agreement and Order effective June 1, 2023.
 - Paid Fine June 2, 2023.
 - Compliance to CE audit for calendar year 2024.
 - **Dr. Piercy** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Sette**. So moved.
- i) Case No.BVMCE0523E Raschel Pecjak, RVT
- Consent Agreement and Order effective June 7, 2023.
 - Paid Fine June 5, 2023.
 - Compliance to CE audit for calendar year 2024.
 - **Dr. Piercy** moved that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Sette**. So moved.
- j) Case No.BVMCE0324A
- Pending Consent Agreement
- k) Case No.BVMCE0324B Dr. John Spiker
- Consent Agreement and Order effective March 19, 2024.
 - Paid Fine March 19, 2024.
- l) Case No.BVMCE0324C
- The Board discussed the letter from the Respondent requesting to reconsider the disciplinary actions and the Board agreed to not revise the Consent Agreement offer.
- m) Case No.BVMCE0324D Kaitlyn Rhodes, RVT
- Consent Agreement and Order effective April 8, 2024.
- n) Case No.BVMCE0324E
- Consent Agreement and Order effective April 3, 2024.
 - Paid Fine April 3, 2024.
- o) **Dr. Gilpin** moved to send another certified CE audit letter to the unreachable RVT and if we still can't reach her, to notify her when she renews her registration; seconded by **Dr. Piercy**. So moved.

BOARD CONSIDERATION:

- p) Case No.1122B (Original complaint received November 11, 2022)
- 6-month letter sent May 19, 2023.
 - 18-month letter required May 19, 2024.
 - **Dr. Piercy** moved to send a response that after under further investigation, the Board has verified that the veterinarian was present and practicing at the facility the day in question, and the Consent Agreement offer is extended for 30 days; seconded by **Mrs. Patton**. So, moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- q) Case No.1023A (Original complaint received October 30, 2023)
- 6-month letter sent April 22, 2024.
 - 18-month letter required April 30, 2025.
 - **Dr. Piercy** moved not to find probable cause; seconded by **Dr. Gilpin**. So, moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- r) Case No.1223A (Original complaint received December 6, 2023)
- 6-month letter required June 6, 2024.
 - 18-month letter required June 6, 2025.
 - **Dr. Gilpin** moved to extend the allowed time to sign the Consent Agreement until the Board decides on Case 0124B; seconded by **Dr. Piercy**. So moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- s) Case No.1223B (Original complaint received December 6, 2023)
- 6-month letter required June 6, 2024.
 - 18-month letter required June 6, 2025.
 - **Dr. Piercy** moved to not find probable cause; seconded by **Mrs. Patton**. So moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- t) Case No.1223C (Original complaint received 12/18/23)
- 6-month letter required 6/18/24.
 - 18-month letter required 6/18/25.
 - **Dr. Piercy** moved to find probable cause and to offer a Consent Agreement; seconded by **Dr. Gilpin**. So moved. **Mrs. Patton** abstained from the vote because she used to be a co-worker of the Respondent. The small animal complaint committee recused themselves and left the meeting during the vote.
- u) Case No.1223D (Original complaint received December 18, 2023)
- 6-month letter required June 18, 2024.
 - 18-month letter required June 18, 2025.
 - **Dr. Piercy** moved to find no probable cause; seconded by **Dr. Gilpin**. So moved. **Mrs. Patton** abstained from the vote because she used to be a co-worker of the Respondent. The small animal complaint committee recused themselves and left the meeting during the vote.
- v) Case No.0124A (Original complaint received January 4, 2024)
- 6-month letter required July 4, 2024.
 - 18-month letter required July 4, 2025.
 - **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.
- w) Case No.0124B (Original complaint received January 9, 2024)
- 6-month letter required July 9, 2024.
 - 18-month letter required July 9, 2025.
 - **Dr. Piercy** moved to request 5 actual patient surgery records along with anesthesia monitoring reports and to provide an actual written CPR protocol; seconded by **Dr. Gilpin**. So, moved. The small animal complaint committee recused themselves and left the meeting during the vote.
- x) Case No.0324A (Original complaint received March 21, 2024)
- 6-month letter required September 21, 2024.
 - 18-month letter required September 21, 2025.
 - **Mrs. Patton** 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.

- y) The Board discussed a veterinarian with an adverse action and requested no further action.
- z) The Board discussed that if there is more evidence of a violation of the Board's laws for a veterinarian that surrendered their DEA permit, the Board would act.
- aa) The Board discussed a complaint received about a veterinary facility and would like the facility to be examined or inspected more thoroughly during facility inspections.

V. Approval of Minutes

- a) **Dr. Gilpin** moved to approve the January 4, 2024 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 P-Card Quarterly Charges; seconded by **Mrs. Meadows**. So moved.
 - January– March 2024
- c) The Board discussed the 2023 CE audit results.
- d) The Rule Making Committee meeting was held on April 23, 2024.
- e) The Complaint Committee meeting was held on April 24, 2024.
- f) The Board discussed the 2024 legislation.
- g) Trish discussed the AAVSB Executive Director Training she attended on April 10-12, 2024.
- h) Trish advised that Thentia should be live by the next Board meeting and that she has been working with the CEO of Thentia.
- i) The Board discussed the new frequently asked questions that are now on our website.
- j) The Board reviewed the quarterly facility inspection list. The Board ratifies the application and renewals approved by the staff. The Board reviewed the quarterly list of applications approved by the Executive Director and statistics.
 - January– March 2024

VII. There were no Questions for the Board.

VIII. New Business

- a) **Dr. Piercy** moved that since the staff does an excellent job, and that the Board appreciates everything that the staff does and the energy put into their work, to give a \$1.00 hourly raise and the Governor raise to Brandi, give a \$1532 raise and the Governor raise to Trish totaling approximately 5%, and to give Dawn, Inspector, a raise of \$1080 (maximum amount for her social security); and to allow Trish to give Dawn raises to accommodate her social security allowance for no more than \$25,000 a year; seconded by **Mrs. Meadows**. So moved.
- b) The Board discussed the Chapter 30 Revisions that were suggested at the April 23, 2024 Rule Making Committee Meeting. Trish will send out the revisions to the Board and the Board will keep discussing revisions at each meeting.
- c) The Board discussed and revised the Equine Dental Care Committee and Guidelines. The Board agreed to hold a Stakeholder meeting to discuss dental care in Charleston, WV, on Monday, July 15, 2024. Dr. Sette discussed the option of getting a mediator for this meeting. The Board agreed to hire a moderator. Trish will send out postcards to get a headcount so she can plan the hotel and meeting room accordingly. Postcards will be sent out to all licensees and interested parties.
- d) The Board reviewed Dr. Ron Smith's concern regarding the Board's patient record guidance not being listed in the Board's laws. Dr. Smith said the Board should not be making recommendations, the Board should only comment as to what the law provides. The Board reviewed the patient records questions now listed on the facility inspection form.
- e) The Board agreed not to post recordings from the 2023 Continuing Education Conference due to poor audio quality.

- f) The Board discussed Madison Animal Hospital's facility inspection deficiency for a surgery room being used solely for surgery. The Board agreed to give a 1-year extension for the veterinary facility to separate their surgery room and prep area.
- g) Trish discussed a phone call she had with a member of the public claiming she is protected by the Private Membership Association to perform adjustments and massage on animals. Trish advised her that she would have to be licensed with the WV Massage Board and the WV Chiropractic Board, but neither of those Boards allow their licensees to work on animals.
- h) **Mrs. Meadows** moved to approve the Greenbrier contract for 3 years for January/February 2025, 2026 and 2027; seconded by **Mrs. Patton**. So moved.
- i) **Mrs. Patton** moved to approve the list of AVMA Specialties; seconded by **Mrs. Meadows**. So moved.
- j) **Dr. Piercy** moved to approve the purchase of the Meeting Owl 3; seconded by **Dr. Sette**. So moved.
- k) The Board discussed Strategy and Goals for 2024.
 - Add client communication and equine dental care to the newsletter.
- l) **Mrs. Meadows** moved to approve the addition of sterile water to the list of CAET Board approved sedation drugs; seconded by **Mrs. Patton**. So moved.
- m) **Mrs. Meadows** moved to approve the revised New Board Member Protocol; seconded by **Dr. Sette**. So moved.
- n) **Mrs. Meadows** moved to keep officers and committees the same; seconded by **Dr. Gilpin**. 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
 - Dr. Berkeley, CE Approval Committee
 - Dr. Berkeley, Dr. Sette, and Mrs. Patton, Rule Making Committee
 - Dr. Fallon, CAET Educator
- o) **Mrs. Meadows** moved to approve the FY 2025 budget; seconded by **Dr. Gilpin**. So, moved.
- p) The Board discussed AAVSB delegates and attendees for the conference being held on September 25-September 28, 2024.
- q) The Board discussed protocol for a veterinary facility that does not have a Veterinarian in Charge. Once the Rules are up for revisions, the Board would like to change the Rule to have better language.
- r) The Board discussed unlicensed individuals practicing veterinary medicine.
- s) The Board discussed large animal veterinarian availability.

IX. The Next Board Meeting will be held on July 16, 2024 in Charleston, WV.

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



Monica R. Patton, RVT
Secretary-Treasurer