



WEST VIRGINIA BOARD OF VETERINARY MEDICINE
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MINUTES
APRIL 29, 2022 @ 9:00 AM
MORGANTOWN, WV

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

I. The meeting was called to order at 9:00am.

ii. Dr. Wilson went over the Mission Statement.

Mrs. Long motioned to go into executive session to discuss employee evaluations and disciplinary cases at 9:01 am; seconded by **Dr. Berkeley**. Motion carried.

Mrs. Long motioned to go out of executive session at 1:00 pm; seconded by **Mrs. Meadows**. Motion carried.

iii. **Disciplinary Committee Report**

EXECUTED OR CONSENT AGREEMENTS OFFERED:

a) Case No.0220A Dr. Kevin Hennessy

- Consent Agreement effective July 10, 2020.
 - Placed on Probation for a period of 12 months (July 10, 2021)
 - Professional behavior and conduct shall be observed by his office manager on a daily basis.
 - Visited by a Board-approved supervising veterinarian at least once per month and for the supervising veterinarian to submit a report to the Board
 - Within 14 days (July 24, 2020), and as a condition to his continuation in practice
 - Submit to a physical and mental examination by a Board-approved health care provider(s), at his own expense, and be deemed fit to perform the necessary duties and responsibilities of a licensed veterinarian and to practice in compliance with the Board's governing statutes and rules.
 - Should he fail such examination, his license shall immediately be suspended until he is later examined and deemed fit to practice.
 - Consideration of physical assessment performed July 21, 2020.
 - Consideration of mental evaluation performed September 17, 2020.
 - Within 90 days (October 10, 2020), completed 3 hours of Board-approved CE on medical recordkeeping October 22, 2020.
 - Within 6 months of completing the CE, submit a total of 5 patient medical records. Received medical records July 20, 2021.
 - Within 6 months (January 10, 2021)
 - Completed 3 hours of Board-approved CE on Ethics October 26, 2020.
 - Reimbursed administrative cost October 8, 2020.

- Supervising veterinary supervision and observation of the office manager began March 20, 2021 and ended March 19, 2022.
 - **Mrs. Meadows** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. Motion carried.
- b) Case No.0220B Dr. Kevin Hennessy
- Consent Agreement effective July 10, 2020.
 - Placed on Probation for a period of 12 months (July 10, 2021)
 - Professional behavior and conduct shall be observed by his office manager on a daily basis.
 - Visited by a Board-approved supervising veterinarian at least once per month and for the supervising veterinarian to submit a report to the Board
 - Within 14 days (July 24, 2020), and as a condition to his continuation in practice
 - Submit to a physical and mental examination by a Board-approved health care provider(s), at his own expense, and be deemed fit to perform the necessary duties and responsibilities of a licensed veterinarian and to practice in compliance with the Board's governing statutes and rules.
 - Should he fail such examination, his license shall immediately be suspended until he is later examined and deemed fit to practice.
 - Consideration of physical assessment performed July 21, 2020.
 - Consideration of mental evaluation performed September 17, 2020.
 - Within 90 days (October 10, 2020), completed 3 hours of Board-approved CE on medical recordkeeping October 22, 2020.
 - Within 6 months of completing the CE, submit a total of 5 patient medical records Received medical records July 20, 2021.
 - Within 6 months (January 10, 2021)
 - Completed 3 hours of Board-approved CE on Ethics October 26, 2020.
 - Reimbursed administrative cost on October 8, 2020.
 - Supervising veterinary supervision and observation of the office manager began March 20, 2021 and ended March 19, 2022.
 - **Mrs. Meadows** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. Motion carried.
- c) 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.
 - **Mrs. Long** motioned to request an anesthesia monitoring sheet and instruction sheet for home care given for medical records for patients Beans and Dexter; seconded by **Mrs. Patton**. Motion carried.
- d) 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.
 - The Board reviewed the 5 patient medical records.

- **Mrs. Long** motioned to request 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; seconded by **Mrs. Meadows** Motion carried.
- e) Case No.0521B Cynthia Linner
- Consent Agreement effective November 11, 2021
 - Considering the following steps taken by Dr. Linner, there will be no requirement to undertake correction action.
 - Conducted additional research into Meloxicam and contacted a pathologist's opinion
 - Acknowledged that her mistake in prescribing an overdose of Meloxicam contributed to and may have caused the death of a dog.
 - Reimbursed the client for the hospitalization and surgery expenses they incurred.
 - Contacted the owners of other dogs on the 7.5 mg. Meloxicam tablets to make sure they were administering the medication properly.
 - Within 90 days of Consent Agreement (February 11, 2022)
 - Reimbursed administrative cost February 7, 2022.
 - **Mrs. Patton** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Berkeley**. Motion carried.
- f) Case No.0521D Sarah O'Donnell
- Consent Agreement effective November 5, 2021
 - Within 3 months of Consent Agreement (February 5, 2022)
 - Reimbursed administrative cost December 27, 2021.
 - Within 6 months of Consent Agreement (May 5, 2022)
 - Completed 3 hours of Board-approved CE on the subject of CPR March 21, 2022.
 - Completed 3 hours of Board-approved CE on the subject of medical record keeping January 6, 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.
 - The Board reviewed the 5 patient medical records.
 - **Mrs. Long** motioned that since all requirements for the Consent Agreement have been met, the case is now closed and to bring to her attention §26-4-5.3.c in regards to what is required in the medical records. seconded by **Mrs. Patton**. Motion carried.
- g) Case No. BVMCE0621A Dr. Alexandro Dias
- Consent Agreement effective July 30, 2021.
 - Within 90 days of Consent Agreement (October 30, 2021)
 - Received fine of \$100.00 July 26, 2021.
 - Reimbursed administrative cost August 23, 2021.
 - Within 6 months of Consent Agreement (January 30, 2022)
 - Completed 3.5 deficient CE during the calendar year 2021. Such hours may NOT be counted as part of the CE requirement for the year 2021.
 - In compliance with CE audit for calendar year 2022.
 - **Dr. Berkley** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Fallon**. Motion carried.
- h) Case No. BVMCE0621B Dr. Caitlin Cosentino
- Consent Agreement effective July 17, 2021.
 - Within 90 days of Consent Agreement (October 17, 2021)
 - Received fine of \$100.00 July 13, 2021.
 - Reimbursed administrative cost August 31, 2021.
 - Within 6 months of Consent Agreement (January 17, 2022)
 - Completed the number and/or type of CE hours that are deficient. Such hours may NOT be counted as part of the CE requirement for the year 2021.
 - In compliance with CE audit for calendar year 2022.

- **Dr. Berkley** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Fallon**. Motion carried.
- i) Case No. BVMCE0621C Karli Snyder, RVT
- Consent Agreement effective August 31, 2021.
 - Within 90 days of Consent Agreement (November 31, 2021)
 - Received fine of \$100.00 August 30, 2021.
 - Reimbursed administrative cost October 19, 2021.
 - Within 6 months of Consent Agreement (February 28, 2022)
 - Completed the number and/or type of CE hours that are deficient September 21, 2021. Such hours may NOT be counted as part of the CE requirement for the year 2021.
 - In compliance with CE audit for calendar year 2022.
 - **Dr. Berkley** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Fallon**. Motion carried.
- j) Case No. BVMCE0621D Dr. William Selby
- Consent Agreement effective August 30, 2021.
 - Within 90 days of Consent Agreement (November 30, 2021)
 - Received fine of \$100.00 August 18, 2021.
 - Reimbursed administrative cost December 20, 2021.
 - Within 6 months of Consent Agreement (February 28, 2022)
 - Completed the number and/or type of CE hours that are deficient. Such hours may NOT be counted as part of the CE requirement for the year 2021.
 - In compliance with CE audit for calendar year 2022.
 - **Dr. Berkley** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Fallon**. Motion carried.
- k) Case No. BVMCE0621E Dr. Megan Wagner
- Consent Agreement effective August 5, 2021.
 - Within 90 days of Consent Agreement (November 5, 2021)
 - Received fine of \$100.00 August 4, 2021.
 - Reimbursed administrative cost August 26, 2021.
 - Within 6 months of Consent Agreement (February 5, 2022)
 - Completed the number and/or type of CE hours that are deficient. Such hours may NOT be counted as part of the CE requirement for the year 2021.
 - In compliance with CE audit for calendar year 2022.
 - **Dr. Berkley** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Fallon**. Motion carried.
- l) Case No.0821A 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 April 20, 2022 on-site visit and advised that we will be sending Dr. McMahon a letter with suggestions for his medical records. Dr. Wilson will do the May on-site visit and Dr. Meade will be available if we need her for future visits.

m) Case No.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 April 20, 2022 on-site visit and advised that we will be sending Dr. McMahon a letter with suggestions for his medical records. Dr. Wilson will do the May on-site visit and Dr. Meade will be available if we need her for future visits.

n) Case No.1021A 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)
 - Reimbursement of administrative cost.
 - Within 90 days of attending the Board's CE seminar, submit a total of 5 patient medical records (November 23, 2022).

o) Case No.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)
 - Reimbursement of administrative cost.
 - Within 90 days of attending the Board's CE seminar, submit a total of five 5 patient medical records (November 23, 2022).

p) 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.

q) Case No.1121A Dr. Matthew Faulkner

- Consent Agreement 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)
 - Reimbursement of administrative cost.
 - Within 3 months of completing the CE, submit a total of five 5 patient medical records.

r) 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
 - Reimbursement of administrative cost.
 - Within 3 months of completing the CE, submit a total of five 5 patient medical records.

BOARD CONSIDERATION:

- s) Case No.1221A (Original complaint received 12/2/21 18 months – 6/2/23)
- **Mrs. Long** motioned to not find probable cause; seconded by **Dr. Berkeley**. Motion carried. The small animal complaint committee recused themselves and left the meeting from the vote.
- t) Case No.1221B (Original complaint received 12/13/21 18 months – 6/13/23)
- **Dr. Berkeley** motioned to not find probable cause as to the allegations to the complaint but upon investigation and reviewing of the medical records the Board found probable cause for insufficient medical records and to offer a Consent Agreement and Order; seconded by **Mrs. Long** Motion carried. The small animal complaint committee members recused themselves and left the meeting from the vote.
- u) Case No.0122A (Original complaint received 1/5/22 18 months – 7/5/23)
- **Dr. Fallon** motioned to not find probable cause; seconded by **Dr. Berkeley**. Motion carried. The small animal complaint committee recused themselves and left the meeting from the vote.
- v) Case No.0122B (Original complaint received 1/5/22 18 months – 7/5/23)
- **Dr. Berkley** motioned to not find probable cause; seconded by **Mrs. Long**. Motion carried. The small animal complaint committee recused themselves and left the meeting from the vote.
- w) Case No.0222A (Original complaint received 2/18/22 18 months – 8/18/23)
- **Dr. Berkeley** motioned to further investigate; seconded by **Dr. Fallon**. motion carried.
- x) Case No.0222B (Original complaint received 2/28/22 18 months – 8/28/23)
- **Dr. Fallon** motioned to not find probable cause; seconded by **Mrs. Long**. Motion carried. The small animal complaint committee recused themselves and left the meeting from the vote.
- y) Case No.0322A (Original complaint received 3/4/22 18 months – 9/4/23)
- **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.0322B (Original complaint received 3/10/22 18 months – 9/10/23)
- **Dr. Fallon** motioned to not find probable cause; seconded by **Mrs. Long**. Motion carried. The small animal complaint committee recused themselves and left the meeting from the vote.
- aa) Case No.0322C (Original complaint received 3/17/22 18 months – 9/17/23)
- **Dr. Berkeley** motioned to further investigate; seconded by **Mrs. Long**. Motion carried.
- bb) Case No.0322D (Original complaint received 3/17/22 18 months – 9/17/23)
- **Dr. Berkeley** motioned to further investigate; seconded by **Mrs. Long**. motion carried.
- cc) **Dr. Sette** motioned to submit a Board initiated complaint to the veterinary in charge for the facility/facilities listed in the Chewy Complaint; seconded by **Dr. Berkeley**. Motion carried.
- dd) **Mrs. Long** motioned to approve the renewal for the licensee with adverse action; seconded by **Dr. Berkeley**. Motion carried.

IV. Approval of Minutes

- a) **Dr. Berkley** motioned to approve the January 6, 2022 minutes; seconded by **Dr. Sette**. Motion carried.

V. Reports

- a) The Board accepted and reviewed the treasurer's report and itemized object codes which will be filed for auditing.
- b) **Dr. Sette** motioned to approve the P-Card Charges December 17, 2021 – April 16, 2022; seconded by **Mrs. Long**. Motion carried.

- c) The Complaint Committee met on April 21, April 28, and April 29.
- d) Dr. Fallon and Dr. Sette discussed the hot topics from the AAVSB Basics & Beyond Training held April 1- 2, 2022 in Kansas City, MO
 - Letters of concerns done by other jurisdictions
 - Revising your law to provide action against non-licensees
- e) Trish advised that the Thentia's database has stalled because of connecting with E-gov payments. Trish is going to send a letter to Thentia regarding the delay.
- f) Trish went over the FBI audit done for agencies that do criminal background checks.
- g) There was no quarterly mobile clinic report for the Board to review.
- h) Legislation Update for 2022 Session
 - HB4570 Telehealth for Veterinarians
 - HB4634 Work Experience – All Chapter 30 Boards were removed
 - SB334 – Bundle bill decreasing multiple chapter 30 boards fees
 - House Resolution 68 – Feasibility study for a WV veterinary school
- i) Executive Director Report
 - The Board reviewed the facility inspection list from January 1 – March 31, 2022.
 - The Board reviewed the applications approved by Executive Director and statistics from January 1- March 31, 2022.

VI. Questions for the Board

Question: Can a farrier disbud goats?

Answer: Disbudding goats is considered the practice of veterinary medicine.

Question: If an RVT called themselves a "vet nurse" to clients or in public forums, would the Board correct the RVT?

Answer: Because the WV Board of Veterinary Medicine does not have jurisdiction over veterinary nurses, this question is beyond the scope of the WV Board of Veterinary Medicine's laws and rules.

Question: I am an x-ray tech but would like to be able to do x-rays on horses. Could you tell me what classes if any that I would need to take to be able to do this?

Answer: X-rays of an animal must be done under indirect supervision of a veterinarian and only the veterinarian can diagnose the x-rays.

Question: Is there any kind of license for penetrating and non-penetrating captive bolt method?

Answer: There isn't a license under the WV Board of Veterinary Medicine. The Board suggest contacting Roy McCallister or Vanessa Harper for more information.

Question: The Mountaineer Kennel Club would like to host a Canine Health Clinic where we would offer things like eye exams for OFA certification and heart auscultation and echoes for breeders and dog enthusiasts in the region. This would be a one time or annual event in Morgantown, WV. As there are no canine cardiologist or ophthalmologists board certified to do these exams in WV, we would like to bring in specialists from Ohio and Pittsburgh respectively. The results of these exams are sent to the OFA for certification of breeding stock and are not intended to be used to diagnose problems.

Answer: The specialist would be required to have a WV Veterinary License.


VII. New Business

- a) **Dr. Berkeley** motioned to give a \$1.00 raise and the Governor raise to Brandi and a 2% raise increase and the Governor raise to Trish; seconded by **Mrs. Long**. Motion carried.
- b) **Mrs. Long** motioned to do a Board initiated complaint regarding the CE audit deficiencies and to add a note on the license renewal notices of the CE requirements; seconded by **Dr. Berkeley**. Motion carried.
- c) The Board discussed the new telehealth Rule that will go into effect on June 8, 2022.
- d) **Mrs. Long** motioned to submit a letter requesting the rescission of the temporary suspension of §26-4-5.1.c.1; seconded by **Dr. Berkeley**. Motion carried.
- e) The Board agreed that an animal must have had a physical exam by a veterinarian within the last 12 months for vaccine boosters to be administered without a physical exam.
- f) The Board discussed the Record Keeping training being held September 23. They requested to ask Stonewall if it was possible to have another conference room with a live feed should we have too many attendees.

- g) The Board wants to add the question "Were you a beneficiary of the WV Student Contract Seat" to the license renewal and application questions for veterinarians.
- h) **Mrs. Meadows** motioned to approve the discipline referral program for disciplinary cases as quoted by WV PRN; seconded by **Mrs. Patton**. Motion carried.
- i) The Complaint Committee will compare VA's Sanctioning Points Manual to see if it will work for WV complaints.
- j) **Dr. Berkeley** motioned that after the corrections to approve the revised Criminal Background Policy; seconded by **Mrs. Long**. Motion carried.
- k) The Board agreed that a veterinarian must speak to the client for an VCPR to be established.
- l) The Board answered questions regarding sedation given by a veterinarian.
Question: A WV licensed veterinarian has been treating a neighbor's client that has a horse. The neighbor also does farrier work on other horses. He previously got his sedation medicine from a PA veterinarian; but now he's out. Can the veterinarian provide him with sedation medicine?
Answer: The veterinarian can only provide sedatives to animals with a VCPR.
Question: Can a veterinarian provide sedation to a police officer so they can use in the field when they are trying to calm down an aggressive dog?
Answer: The license is under the veterinarian's authority; they can't order or obtain sedation medication from a WV licensed veterinarian.
- m) **Mrs. Long** motioned to approve the purchase of a Komax color copier/printer for \$2733.14 plus maintenance; seconded by **Mrs. Patton**. Motion carried.
- n) **Dr. Sette** motioned to approve the quote for office cleaning; seconded by **Mrs. Long**. Motion carried.
- o) The Board discussed the Lincoln Memorial RVT Degree.
- p) The Board will discuss the Medical Recordkeeping Guidance at the next Board meeting.
- q) The Board discussed Justin Meadows' CAET Certification that expired December 31, 2019. The Board advised that Justin would need re-take the CAET certification.
- r) The Board discussed Strategy and Goals for 2022 and added the following:
 - Provide CE for licensees
 - Telehealth
 - Xray's
 - Anesthesia
 - Standard of care for veterinarians
 - Client communication
 - Medical record and exam guidance
 - Revise Practice Act
 - Non-licensees
 - RVT Scope of Practice
- s) **Dr. Berkeley** motioned to approve the Budget FY2023; seconded by **Mrs. Patton**. Motion carried.
- t) Mrs. Patton discussed adding new language to the Practice Act for RVT's. Mrs. Patton and Trish will come up with a list of suggested revision to the Practice act and present it to the Board at the next Board meeting.
- u) **Dr. Berkeley** motioned to approve a reception for the evening of the CAET CE training; seconded by **Mrs. Long**. Motion carried.

VIII. The Next Board Meeting will either be in Charleston or at Stonewall on Friday, July 15, 2022.

IX. The Meeting was Adjourned at 4:52 pm.


 Monica R. Patton, RVT
 Secretary-Treasurer