

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

v.

CASE NO. 0222A

**JAMIE TOTTEN, DVM,
VETERINARIAN LICENSE NO. 09-2008,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

NOW COME the West Virginia Board of Veterinary Medicine (“Board”) and Jamie Totten, DVM (“Respondent”) for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matter. As a means of compromise, the Board and Respondent hereby agree to resolve this matter by and through a voluntary agreement and consent to disciplinary action, with consideration given to appropriate safeguards for protection of the public.

WHEREAS, Respondent acknowledges that the Board may file a Statement of Charges alleging that she has violated certain provisions of W. Va. Code §§ 30-10-1 *et seq.* and W. Va. Code R. §§ 26-1-1 *et seq.*, and proceed to a hearing and seek disciplinary action in this matter.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle this matter without further prosecution and a formal hearing.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by Respondent.

THEREFORE, it is hereby STIPULATED and AGREED between the undersigned parties that this matter be settled and resolved, the parties having reached an understanding concerning the proper disposition of the matter in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

FINDINGS OF FACT

1. Respondent is a licensee of the Board, holding License No. 09-2008, and at all times relevant, practiced veterinary medicine at the Kanawha-Charleston Humane Association (“KCHA”) in Charleston, West Virginia.

2. On February 18, 2022, the Board received a written complaint and supporting documentation from Kim Mason (“Ms. Mason”) regarding the veterinary care that her dog “Naomi” received from Respondent at KCHA.

3. Ms. Mason’s complaint states that on February 5, 2022, she adopted Naomi from KCHA. Ms. Mason maintains that at the time Naomi was adopted, she was informed that Naomi had tested positive for Lyme disease and kennel cough, and Ms. Mason was given a thirty-day supply of Doxycycline to treat the Lyme disease but did not receive anything for the cough. Ms. Mason states that KCHA scheduled Naomi to be spayed on February 10, 2022.

4. On February 10, 2022, Naomi was brought into KCHA for her surgical procedure, at which time KCHA inquired whether Naomi was taking any medication. Ms. Mason maintains that her husband disclosed that Naomi was taking Doxycycline. According to Ms. Mason, when she arrived at KCHA that afternoon to pick up Naomi, she was informed that Naomi had experienced complications during the procedure, which included bleeding and a bad reaction to the anesthesia. Ms. Mason states that she was also informed that Naomi had swollen lymph nodes. After given options by KCHA, Ms. Mason elected to bring Naomi to Valley West Veterinary

Hospital (“Valley West”), where Naomi received immediate care from Drs. Amy Leadmon and Megan Graham.

5. Ms. Mason reports that Naomi was in severe hypothermia while still under the influence of anesthesia, and as a result, Naomi was given oxygen, an IV, and placed in a warming bed. Ms. Mason asserts that Valley West performed an ultrasound on Naomi to determine whether she was bleeding into her stomach, as had been reported by KCHA. Ms. Mason states that Drs. Graham and Leadmon worked to stabilize Naomi so that she could be transported to the emergency animal hospital for overnight care, but that Ms. Mason was informed that Naomi’s prognosis was poor due to Naomi’s use of medication for Lyme disease and due to Naomi not having been in good health to have her spay procedure.

6. Ms. Mason provides a detailed account of the care that Naomi received overnight at the Kanawha Valley Emergency Hospital, which included blood work, platelet count, x-rays, a warming bed, an IV, and preparation for a transfusion, if necessary. Ms. Mason maintains that when she picked up Naomi the next morning to bring her back to Valley West for additional care, Naomi appeared to be a completely different dog, she was doing so well. After receiving care from Valley West all day, Naomi was discharged to Ms. Mason that evening.

7. Ms. Mason states that while Naomi was receiving care from Valley West, Ms. Mason contacted KCHA to seek answers to questions she had about Naomi’s care at KCHA. Ms. Mason asserts that she spoke with Respondent, who could not satisfactorily answer Ms. Mason’s questions as to why Naomi was placed under anesthesia without monitoring, why Naomi had surgery given her health issues, and why her surgery took place so late in the day, but notes that Respondent apologized.

8. The Board received Respondent's written response to the complaint, along with supporting documentation, on March 25, 2022. Respondent states that prior to performing the spay surgery, she reviewed Naomi's health history from the records provided by KCHA, as well as the information provided by Ms. Mason on the consent form, and determined that Naomi did not have any health concerns or symptoms that would preclude her from being a candidate for surgery that day. Respondent notes that Naomi had a bilaterally equal lymphadenopathy in her lymph nodes, as well as notes other aspects of Naomi's physical presentation that day.

9. Respondent acknowledges that Naomi's surgery began at 3:00 p.m., which was later than typical, due to "unanticipated circumstances related to the earlier portion of the surgery schedule (not regarding Naomi or Naomi's care)." Respondent provides a detailed account of the surgery, and notes that Naomi had excess blood in her abdominal cavity, which appeared to worsen during the procedure. Respondent explains that "[o]nce it was determined that there was no active bleeding that could be mitigated with a ligature, the abdomen was flushed thoroughly with saline," Naomi received IV fluids, and the surgery was concluded. Respondent reports that Naomi recovered slowly from anesthesia because of hypothermia, and that blood loss during surgery played a role in Naomi's postoperative recovery.

10. Respondent stresses that she did not want to discharge Naomi that afternoon, as she was not fully recovered from surgery, but ultimately agreed to transfer Naomi to Valley West. Respondent asserts that she spoke with Dr. Leadmon on March 4, 2022 to inquire as to the care Naomi received at Valley West, and maintains that Ms. Mason was inaccurate in her assertion that she was informed that Naomi's prognosis was poor.

11. Respondent maintains that Naomi was properly determined to be an acceptable candidate for the spay surgery, which was performed appropriately, but "a known and not

uncommon/unusual, complication of a spay surgery (a dropped ovarian pedicle) and oozing from the musculature, resulted in blood loss” for Naomi. Respondent asserts that the blood loss led to anemia, which resulted in a longer than usual recovery period for Naomi postoperatively. Respondent states that she did not deviate from the standard of care in either her determination that Naomi was a candidate for surgery or in her performance of the spay surgery.

12. The Board’s Complaint Committee reviewed Ms. Mason’s complaint and Respondent’s response thereto, and found probable cause to believe that Respondent failed to maintain complete medical records, which included a lack of anesthesia monitoring and surgical notes, and provided substandard care, in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-8.1.5., 26-4-5.1.b., and 26-4-5.2.a.

13. Upon recommendation of the Complaint Committee, and after reviewing the aforementioned complaints, responses, and accompanying documents, the Board, by majority vote at its meeting on July 15, 2022, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against Respondent.

CONCLUSIONS OF LAW

1. Respondent is a licensee of the Board, holding License No. 09-2008, and is therefore subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-10-1 *et seq.*, and is empowered to regulate the practice of veterinary medicine in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual’s license to practice veterinary medicine under the authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19 and W. Va. Code R. §§ 26-1-8 and 26-2-1 to 26-2-6.

4. Respondent does not contest that the Board has probable cause to charge her with one or more violations of the Board's governing statutes and rules based upon its investigation and findings in this matter.

5. The conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-8.1.5, 26-4-5.1.b, and 26-4-5.2.a. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Jamie Totten, by signing this Consent Agreement and Order, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Jamie Totten, by affixing her signature hereto, agrees to the following Order.

ORDER

Based on the foregoing, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for her actions in this matter.
2. Respondent shall attend the Board's continuing education seminar on the topic of medical record keeping to be held on September 23, 2022. The continuing education hours earned during the seminar do not count toward the required eighteen (18) hours of continuing education.
3. Within three (3) months after taking the above-mentioned medical record keeping continuing education, Respondent shall submit to the Board for its review five (5) patient medical records for cases in which surgery was performed completed and maintained by her.
4. Within three (3) months from the date of the entry of this Order, Respondent shall reimburse the Board the costs of this proceeding, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.
5. Any failure to comply with all provisions in the Consent Agreement and Order may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice veterinary medicine in the State of West Virginia.
6. This document is a public record as defined in W. Va. Code § 29B-1-2. The Board is bound by law and by this Agreement to report the results of all disciplinary actions, including this matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database and for posting on the Board's website.
7. This Consent Agreement and Order constitutes the entire agreement between the parties.

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In recognition of this Consent Agreement and Order, we hereby affix our signatures.

WEST VIRGINIA BOARD OF VETERINARY MEDICINE

By: Keith B Berkeley DVM
~~Dr. John R. Wilson, Board Chairman~~
Dr. Keith B. Berkeley
Entered: 15 Sept. 2022
Date

REVIEWED AND AGREED TO BY:

Jamie Totten DVM
Jamie Totten, DVM
Respondent
9-7-2022
Date

This day personally appeared before me, Jamie Totten, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 7th day of September, 2022.

My Commission expires: June 14, 2026

Donna Walls
Notary Public

