

# West Virginia Board of Veterinary Medicine

NEWSLETTER

JANUARY 2020

**NEWS  
FLASH!**

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## INTRODUCTIONS & FAREWELLS

### Farewell to William Peery, Veterinarian Board Member

We would like to say farewell and best wishes to Dr. William Peery. The Board appreciates your time spent on the Board.

### Welcome to Dr. Frank Cary, New Veterinarian Board Member

Dr. Cary is a 1975 graduate of Ohio State College of Veterinary Medicine in Columbus, OH. He graduated from Lewisburg High School, received an Associate of Agriculture degree from Potomac State College, graduated with a BS in Agriculture from WV University, and then did post graduate work at Virginia Tech. He became a licensed veterinarian with the WV Board of Veterinary Medicine in June 1975.



After getting licensed as a veterinarian, Dr. Cary worked in a mixed animal practice in Waynesboro, VA, and Lewisburg, WV. In January 1978, Dr. Cary founded Mountainland Animal Hospital in Kingwood, WV, which was mostly a large animal practice but over the years transitioned to small animals.

Dr. Cary is a native of Lewisburg, Greenbrier County, where he grew up working on a large dairy, beef, and hog farm. He has been active in community service in many organizations and a very active member of the West Virginia Veterinary Medical Association where he held several offices and on the Board of Directors. Dr. Cary and his wife live in Kingwood, WV.

### Welcome to Dawn Karnes, New Additional Inspector

Because of the increase in veterinary facilities, we have hired Dawn Karnes as an additional inspector. Dawn retired in August 2019 with 40 years of service to the WV Division of Highways. Dawn will be inspecting ambulatory and mobile veterinary facilities.

### Board Member Vacancies

We currently have Board member vacancies for 2 veterinarians, licensed at least 3 years and a WV resident. To apply for the Board member position, please send a letter and resume including your congressional district, your political party, strengths, qualifications, and your interest in veterinary medicine to [patricia.a.holstein@wv.gov](mailto:patricia.a.holstein@wv.gov) or to the address below:

WV Board of Veterinary Medicine  
5509 Big Tyler Road, Suite 3  
Cross Lanes, WV 25313

### **FACILITY INSPECTION REQUIREMENTS**

The following items will be added to the facility inspection requirements in 2020:

- A DEA initial and biennial inventory are requirements for the inspection of a facility. On our website, the Board has provided examples of both of these forms to use as a reference of what all items are required on the inventory.
- When a facility has been sold or a veterinarian -in-charge has changed, a DEA initial inventory is required.
- Controlled Substances Monitoring Program (CSMP) login for the veterinarians that prescribe or dispense controlled substances.

### **EMERGENCY DRUGS**

The Board does not have a list of required emergency cardiac and pulmonary resuscitation drugs. The drugs that veterinarians choose to use should meet the current standard of care and are not expired.

### **VETERINARY TECHNICIANS**

#### **MUST BE REGISTERED WITH THE BOARD**

No person may use the term, be addressed as or referred to with respect to veterinary medicine as a "veterinary technician" or a "technician" unless he or she has complied with the requirements for registration by the Board, and is currently authorized by the Board to use the title of "Registered Veterinary Technician", or "R.V.T."

To be eligible for a registration to practice veterinary technology under the provisions of this article, the applicant must comply with all of the requirements for registration by the WV Board of Veterinary Medicine including: Have a degree in veterinary technology from an accredited school, approved by the board, have passed the examinations required by the Board.

### **Veterinary Nursing Degree**

Since the training and requirements for a Veterinary Technology degree are equivalent to a Veterinary Nursing degree, the Board will accept a Veterinary Nursing degree as long as all the other requirements for registration pursuant to §30-10-10 "Requirements for a registered veterinary technician" are met.

## **CAET CERTIFICATION/TRAINING - MORGANTOWN, WV**

**MAY 1 - MAY 3, 2020**

The CAET initial training will be held May 1—May 3, 2020 at the Courtyard Marriott. Applications are being accepted now.

## **CBD OIL**

### **WV Board of Veterinary Medicine's Stance**

The Board has received several requests for their stance regarding the selling of CBD Oil. Since CBD Oil is an over the counter dietary supplement, the WV Board of Veterinary Medicine has no authority to regulate these types of supplements. All medical communication should be noted in the patient's file.

### **WV Board of Pharmacy's Stance**

The WV Board of Pharmacy no longer specifically prohibits the sale of CBD products in its licensed pharmacies, it offers no opinion on the legality of such sales under federal law. Additionally, selling or possessing CBD products that contain THC or other controlled substances could be violations of both state and federal laws. Recent testing of retail CBD oil samples from across West Virginia indicated that over a third of the samples tested contained Delta 9 THC, which is a Schedule I controlled substance.

Therefore, it is up to each pharmacy to determine whether they will sell CBD products, and to carefully consider the impact that any state and federal regulations may have on such sales. This notification should not be construed as a defense to prosecution for any criminal charges related to the sale or possession of these CBD products.

The Board encourages pharmacies electing to sell CBD products to stay aware of U.S. Food and Drug Administration (FDA) alerts and warning letters issued regarding CBD containing products. FDA information regarding these products can be found at <https://www.fda.gov/NewsEvents/>

## **RABIES OUTBREAK IN MONONGALIA COUNTY**

An important mission of the Board is to protect the health, safety, and welfare of the general public and animals of West Virginia through public education.

It has come to the Board's attention that there was an outbreak of rabies in Monongalia county. So, the Board donated \$2,000.00 to the Monongalia County Health Department with \$1,000.00 going toward educating the local schools, where some rabid animals were identified, and \$1,000.00 going toward the purchase of Rabies vaccine.

### MEDICAL RECORD KEEPING

Part of the facility inspection is a review of your medical records. Below is information regarding **minimum** standards:

§26-4-5.2.a. A veterinarian shall maintain individual records at his or her place of business in such a way that any veterinarian shall be able to proceed with the continuity of care and treatment of that patient which records shall include, but not be limited to:

- ◆ identification of the patient
- ◆ the patient's medical history
- ◆ immunization records
- ◆ diagnostic procedures performed
- ◆ diagnosis,
- ◆ and treatment plan.

### RELEASE OF MEDICAL RECORDS

The Board receives several calls from clients regarding the release of medical records. Pursuant to §26-1-8.1., the Board may deny, revoke or suspend a license, impose a civil penalty, place a person's license on probation, reprimand a licensee, refuse to examine an applicant or issue a license or renewal of a license, as provided by law and as provided by this rule if it finds an applicant or licensee:

8.1.q. **Has failed to release patient records** when requested by the owner; a law-enforcement entity; or a federal, state, or local health regulatory agency.

### MEDICAL RECORD KEEPING CONTINUING EDUCATION

One of the most common findings in complaint reviews have been insufficient documentation in medical records. As a result, the Board is currently exploring record keeping continuing education options to offer veterinarians and RVT's in an effort to help improve the quality of medical records.

### PRESCRIPTION REQUEST

The Board receives several calls from clients regarding their right to request a prescription and if the veterinarian can charge for a prescription. The Board does not have authority over billing of a prescription. However, pursuant to §26-1-8.1. , the Board may deny, revoke or suspend a license, impose a civil penalty, place a person's license on probation, reprimand a licensee, refuse to examine an applicant or issue a license or renewal of a license, as provided by law and as provided by this rule if it finds an applicant or licensee:

8.1.p. **Has refused to provide a valid prescription** upon request from a client.

## **AMBULATORY FACILITIES REGISTRATION AND NEW INSPECTOR**

Effective July 1, 2018, ambulatory facilities were required to be registered and inspected. 67 ambulatory facilities are now registered with the Board. Because of the increase in facilities, we have hired Dawn Karnes as an additional inspector. Dawn will be inspecting ambulatory and mobile veterinary facilities. Mike Leland, current inspector, will be inspecting stationary and emergency facilities.

### **Location of Inspections**

In-state ambulatory inspections will be done at the home base where the records and medicines are stored.

Out of state facilities

- ◆ Provide at least 5 patient records.
- ◆ The Inspector will coordinate with the facility where to meet for the inspection.
- ◆ All ambulatory vehicles must be present at the time of inspection or there will be an additional inspection fee. There will not be an additional fee for multiple vehicles if all are present at the time of the inspection.

**If it is more convenient for the ambulatory practices with multiple vehicles to meet across state lines, the Inspector can inspect up to 50 miles from WV state line.**

## **FACILITY OWNERSHIP CHANGE**

### **Notification to the Board**

Should a veterinary facility change ownership, the new owner shall notify the Board within 5 days of such purchase and will be subject to re-inspection. Failure to comply with notifying the Board in this time period could result in a disciplinary action.

### **Veterinarian in Charge**

Prior to the opening of a new business or with an ownership change, on the date of the change of veterinarian-in-charge, the new veterinarian-in-charge shall complete the DEA initial inventory of all Schedule II-V drugs on-hand. They shall date and sign the inventory and maintain it on premises for three years.

## RECENT DISCIPLINARY ACTION

Copies of disciplinary actions are available on our website.

One of the most common findings in complaint reviews have been insufficient documentation in medical records. As a result, we are asking the inspector to review medical records at the time of your facility inspection in an effort to help improve the quality of medical records.

### **CONSENT AGREEMENT: Case BVMCE0418 Garrett Call - June 20, 2018**

**Violation:** Failed to obtain the required hours of CE's within the calendar year 2017.

**Penalty:** \$300 Fine within 90 days of Consent Agreement. Submit to a CE audit for calendar year 2018.

### **CONSENT AGREEMENT: Case 0218A Dr. Kathryn Walker - June 27, 2018**

**Violation:** Failed to meet the required standard of care and treatment of a dog by insufficient management of a potential gastrointestinal obstruction.

**Penalty:** Complete 6 hours of Board approved CE's on the subject of gastroenterology and 3 hours in medical record keeping within 6 months of Consent Agreement. After completion of medical record keeping CE, provide 5 medical records for the Board to review.

### **CONSENT AGREEMENT: Case 0618B Dr. Mark Curtis - December 11, 2018**

**Violation:** Failed to provide the proper care and treatment of a dog by not providing diagnostics related to urinary tract complaints.

**Penalty:** Complete 3 hours of Board approved CE's on the subject of urogenital medicine, with emphasis on urinary tract infections and bladder stones within 6 months of Consent Agreement. Reimbursement of the Board cost and legal expenses.

### **CONSENT AGREEMENT: Case 0518A Dr. Carrie Wehr - December 13, 2018**

**Violation:** Failed to properly communicate with the caregivers and failed to send a dog home with necessary medications and instructions regarding the same.

**Penalty:** Complete 1 hour of Board approved CE's on the subject of pain control and 3 hours on the subject of communication within 6 months of Consent Agreement. Reimbursement of the Board cost and legal expenses.

### **CONSENT AGREEMENT: Case 1217D Dr. Mica Partridge - February 13, 2019**

**Violation:** Failed to provide the standard of care and treatment of a cat by performing an elective procedure (tooth extraction) on an unstable animal with uncontrolled hemorrhage and by failing to further investigate the cause of reported heart murmur. Deficiencies in case management and client wait time without triage, communication between those treating a patient, continuity of care, and recordkeeping regarding the same.

**Penalty:** Complete 6 hours of Board approved CE's on the subject of record keeping for multiple doctors, 3 hours on the subject of emergency medicine within 6 months of Consent Agreement. After completion of medical record keeping CE, provide 5 medical records for the Board to review. Submit to the Board a Plan of Action addressing case management, recordkeeping, flow from doctor to doctor, client wait time without triage, lack of communication; and lack of continuity of care.

### **CONSENT AGREEMENT: Case 1118A Dr. Daniel Toler - February 20, 2019**

**Violation:** Failed to maintain complete patient medical records of a dog, including lack of documentation of a thorough physical and diagnostic examination to support their medical decisions.

**Penalty:** Complete 3 hours of Board approved CE's on the subject of record keeping within 6 months of Consent Agreement. After completion of medical record keeping CE, provide 5 medical records for the Board to review. Reimbursement of the Board cost and legal expenses.

**RECENT DISCIPLINARY ACTION****CONTINUED****CONSENT AGREEMENT: Case 1217B Dr. Holly Kossuth - March 6, 2019**

**Violation:** Failed to provide the standard of care and treatment of a cat by performing an elective procedure (tooth extraction) on an unstable animal with uncontrolled hemorrhage and by failing to further investigate the cause of reported heart murmur. Deficiencies in case management and client wait time without triage, communication between those treating a patient, continuity of care, and record-keeping regarding the same.

**Penalty:** Complete 6 hours of Board approved CE's on the subject of record keeping for multiple doctors, 3 hours on the subject of emergency medicine within 6 months of Consent Agreement. After completion of medical record keeping CE, provide 5 medical records for the Board to review. Submit to the Board a Plan of Action addressing case management, recordkeeping, flow from doctor to doctor, client wait time without triage, lack of communication; and lack of continuity of care.

**CONSENT AGREEMENT: Case 1217C Dr. Brianne Miller - March 6, 2019**

**Violation:** Failed to provide the standard of care and treatment of a cat by performing an elective procedure (tooth extraction) on an unstable animal with uncontrolled hemorrhage and by failing to further investigate the cause of reported heart murmur. Deficiencies in case management and client wait time without triage, communication between those treating a patient, continuity of care, and record-keeping regarding the same.

**Penalty:** Complete 6 hours of Board approved CE's on the subject of record keeping for multiple doctors, 3 hours on the subject of emergency medicine within 6 months of Consent Agreement. After completion of medical record keeping CE, provide 5 medical records for the Board to review. Submit to the Board a Plan of Action addressing case management, recordkeeping, flow from doctor to doctor, client wait time without triage, lack of communication; and lack of continuity of care.

**CONSENT AGREEMENT: Case 1119A Dr. Jean Loonam - May 30, 2019**

**Violation:** Failed to disclose discipline by the Virginia Board of Veterinary Medicine when renewing her license.

**Penalty:** \$250 fine and reimbursement of the Board cost and legal expenses to be paid within 60 days of Consent Agreement.

**CONSENT AGREEMENT: Case 1119B Dr. Donald Fairman - May 30, 2019**

**Violation:** Failed to disclose discipline by the Virginia Board of Veterinary Medicine when renewing his license.

**Penalty:** \$250 fine and reimbursement of the Board cost and legal expenses to be paid within 60 days of Consent Agreement.

**CONSENT AGREEMENT: Case BVMCE0419A Reagan Rodgers - August 6, 2019**

**Violation:** Failed to obtain the required hours of CE's within the calendar year 2018.

**Penalty:** \$100 Fine and reimbursement of the Board cost and legal expenses to be paid within 90 days of Consent Agreement. Submit to a CE audit for calendar year 2018.

## RECENT DISCIPLINARY ACTION CONTINUED

### FINAL ORDER (AFTER HEARING): Rowles - December 11, 2019

**Violations:** Failed to maintain complete and accurate records for the receipt and distribution of controlled substances. Failed to conduct required inventories of controlled substances. Failed to secure and store controlled substances in compliance with federal regulations. Consumed a controlled substance while on duty and thereafter practiced veterinary medicine while under the influence of a controlled substance.

**Penalty:** License revoked indefinitely for a period of no less than three years. May not apply for licensure until the expiration of this three-year period. Prior to any such application, must have completed the following: reimbursement of the Board's reasonable and necessary expenses; within five days of making application, submit to a hair follicle drug test, at his own expense; and submit to a state and national criminal history record check. If conditions are met and licensure application is approved, will be placed on supervised probation for a period of two (2) years, required to work under the direction of a Board-approved Supervisory Veterinarian, and be subject to random urinalysis drug tests.

## HEART STICKS

The Board's stance on heart sticks is that a responsive animal needs to be sedated prior to the use of heart sticks. A struggling animal would not be a candidate for a heart stick since the "last resort" method pertains to animals that are non-responsive.

## CONTROLLED SUBSTANCE MONITORING PROGRAM PATIENT SEARCH

When writing a prescription or dispensing Schedule II controlled substance, opioid or any benzodiazepine there **MUST** be a patient search **even if you are only writing the prescription.**

## HONEY BEE - VETERINARIAN/PATIENT/CLIENT RELATIONSHIP

At the Board's April 11, 2019 board meeting, Dr. Ruth Ann Vandevender asked the Board to consider veterinarian/patient/client relationship for bees with a disease either using telemedicine or bringing a frame from the colony to the veterinary facility.

The Board motioned that bringing a honeybee infected frame in a large zip lock bag, along with the Elisa test and inspection report, to a veterinary office, would meet the patient/client/relationship requirement.



## ANNUAL VETERINARIAN AND RVT CE AUDITS COMPLIANCE – 96%

In February 2019, we conducted a random CE audit of 10% of the Veterinarians and Registered Veterinary Technicians that renewed their licenses for 2019.

- ◆ There were 2 veterinarian's CE's that were non-compliant which resulted in Board initiated Complaints.
  - ◆ 1 complaint case has been resolved with a veterinarian being reprimanded and agreeing to a Consent Agreement.
  - ◆ 1 complaint case is still pending a Consent Agreement offer.

## FREQUENTLY ASKED QUESTIONS

**How many hours can be online?** There are no set hours that can be done online. Any or all of the hours can be done online.

### What are the Board approved CE programs?

- AVMA accredited colleges of veterinary medicine
- AVMA approved national veterinary associations
- AVMA approved official state veterinary associations
- Registry of Approved Continuing Education (RACE)
- USDA Accreditation Modules (**Veterinarians**)
- Programs submitted to and approved by the West Virginia Board of Veterinary Medicine

### How many CE's are required?

#### Veterinarians

18 (50 minute) WV Board approved CE hours in the field of veterinary medicine.

- ◆ A minimum of 14 hours shall be in classroom scientific education or webinar CE programs related to the practice of veterinary medicine to include scientific, laboratory, regulatory, and medical record keeping.
- ◆ No more than 4 hours shall be related to practice management.
- ◆ No hours shall be accumulated, carried forward, or held over past the calendar year in which the hours were completed.

#### Registered Veterinary Technicians

8 WV Board approved CE hours in the field of veterinary technology.

- ◆ A minimum of 4 hours shall be in classroom scientific education or webinar CE programs with a scientific curriculum relative to the practice of veterinary medicine.
- ◆ No more than 4 hours shall be non-scientific.
- ◆ No hours shall be claimed for listening to audio or reading journals.
- ◆ No hours shall be accumulated, carried forward, or held over past the calendar year in which the hours were completed.

**Can I get a CE extension?** If you are unable to meet your CE requirements due to a medical issue, a CE hardship extension can be requested to the Board no later than December 15.

**Note: Please remember to get a CE certification of completion from the CE programs you attend in the event that your CE's are audited after you have renewed your license.**

West Virginia Board of Veterinary Medicine  
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Cross Lanes, WV 25313



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