

West Virginia Board of Veterinary Medicine

NEWSLETTER

SEPTEMBER 2021

A circular logo with a yellow sunburst background. The word "NEWS" is written in large, bold, blue capital letters, and "FLASH!" is written below it in red, italicized, bold capital letters.

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FAREWELLS

Farewell to Dr. Dennis Moore, Veterinarian Board Member

The Board would like to say farewell and best wishes to Dr. Dennis Moore. Dr. Moore was a Board member from 1995-2020. The Board appreciates all the hard work and dedication that Dr. Moore provided to the Board. Dr. Moore established and taught the certification program for animal euthanasia technicians for over 20 years. He also coordinated the yearly continuing education for the certified animal euthanasia technicians.

Farewell to Dr. Barbara Meade, Veterinarian Board Member

The Board would like to say farewell and best wishes to Dr. Barbara Meade. Dr. Meade was a Board member from 2003-2020. The Board appreciates all the hard work and dedication that Dr. Meade provided to the Board. Dr. Meade served as Chair on the Complaint Committee and also served on the Rule Making Committee. Because of Dr. Meade's knowledge and dedication, the Board has hired Dr. Meade as the Board's Investigator.

Farewell to Doreen Colbert, Secretary

We would like to say farewell and best wishes to Doreen. Doreen worked for the Board from 2006 - 2020. Due to Doreen's husband, Shawn, retiring, they moved to South Carolina to enjoy the retirement life. Because of Doreen's knowledge with the Board's operations, she helped tremendously with the transition from the previous Executive Director to the current Executive Director. The Board appreciates her time spent working for the Board.

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 or to the Board office.

INTRODUCTIONS

Welcome to Dr. Jesse Fallon, Veterinarian Board Member



Dr. Fallon was appointed to the Board by Governor Justice on December 16, 2020. He is a 2008 graduate of Virginia-Maryland College of Veterinary Medicine. He became a licensed veterinarian with the WV Board of Veterinary Medicine in June 2009. Dr. Fallon is a partner at Cheat Lake Animal Hospital in Morgantown, WV where he treats all species.

Dr. Fallon is also the Director of Veterinary Medicine for the Avian Conservation Center of Appalachia and is the WV State Liaison for the Association of Avian Veterinarians. He is a frequent lecturer for WV University Departments of Animal and Nutrition Sciences and Wildlife and Fisheries, a mentor for students at the Virginia-Maryland College of Veterinary Medicine, and has published numerous peer reviewed articles and book chapters.

Welcome to Dr. Shawn Sette, Veterinarian Board Member



Dr. Sette was appointed to the Board by Governor Justice on December 16, 2020. He is a 1993 graduate of Ohio State University. He became a licensed veterinarian with the WV Board of Veterinary Medicine in June 1993. Dr. Sette accepted a job at the Kanawha Valley Animal Emergency Clinic in South Charleston where he met his wife, Jennifer. Five years later, in 1998, he and his wife bought Hurricane Animal Hospital where they both continue to work and expand.

Dr. Sette joined the WV Veterinary Medical Association and became a district representative for 2 years. He participated in the national AVMA on behalf of WV. He then moved into the President elect position for an additional 2 years and finally the President for 2 more years. Immediately after that, he assumed the position of Chairman for the WVVMA Foundation in order to raise donations for student scholarships. He was awarded WV Veterinarian of the Year in 2019.

Welcome to Brandi Legg, Secretary

Brandi Legg has replaced Doreen Colbert's position as Secretary. She started as a temporary employee in January 2021. Brandi did such a good job of learning the operations of the Board, the Board has hired Brandi as a permanent employee effective May 8, 2021.

NEW DATABASE VENDOR

Because of the issues with the previous 2 database providers, the Board recently entered into a new contract with a new database provider, Thentia. This new company seems to be very sophisticated; so the Board has high expectations and hope to have all our applications and inspections online. Go live dates is expected to be January 17, 2022.

Please email Trish Holstein, patricia.a.holstein@wv.gov, should you have any suggestions on how to make the application, renewal, or inspection process flow smoother.

CAET CERTIFICATION—KINGWOOD/MORGANTOWN, WV

The CAET initial training will be held November 19—21, 2021 at the Appalachian Hotel in Kingwood, WV and the Monongalia County Canine Adoption Center in Morgantown, WV. Applications are being accepted now.

LOW INCOME INDIVIDUAL & MILITARY FAMILIES FEES WAIVER

Effective July 1, 2020, the Board shall waive the initial licensure fee if the applicant qualifies as a “low-income individual” or as a member of one or more “military families” as defined in Rule.

Low-income individuals (as defined in Rule) :

- May seek a waiver of the **initial** licensure, registration, or certification fee by submitting with their complete application a low-income waiver of initial licensure fee form, and all required verification documents.

Military families (as defined in Rule) :

- May seek a waiver of the **initial** licensure or **renewals** of licensure, registration, or certification fee.

An honorably discharged military veteran and/or their accompanying spouse

- May seek a waiver of the **inspection fee** for a veterinary facility solely owned by the honorably discharged military veteran or their accompanying spouse **for one year** following their discharge from active duty.

REGISTERED VETERINARY TECHNICIAN FEES

Effective July 1, 2020, the following fees have changed for Registered Veterinary Technicians:

Reduced:

- Examination and registration fee—Reduced from \$100.00 to \$10.00
- Registration renewal fee—Reduced from \$80.00 to \$5.00

New Fees:

- Inactive registration fee \$2.00
- Reactivation of an inactive registration fee \$6.00

HEART STICKS

The Board has been informed that there are a number of certified animal euthanasia technicians (“CAET’s) using cardiac puncture (a.k.a. heart stick) when euthanizing cats. The Board’s stance is that cardiac puncture is only allowed if it is used as a “last resort” method on animals that are non-responsive. A responsive animal must be sedated prior to the use of cardiac puncture.

If the CAET is unable to access a peripheral vein, an alternative technique is intraperitoneal injection that is described in the CAET Training Manual. The Board will continue teaching this method in the annual CAET initial training program.

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 3 years.

DEA REQUIREMENTS

Controlled Substances Inventory

It is recommended that a witness also sign the inventory forms. There are fields on the inventory that are required; such as, close of business day or beginning of business day. If audited by the DEA, 1 missing field could cost over \$15,000. Templates are located on the Boards website. DEA Regulations can be found at www.ecfr.gov.

Schedule I-II controlled substances and Schedule III-V documents must be separated from each other but can be in the same binder. All documents must be readily accessible; so they must be printed and accessible.

- *Initial and Biennial Inventory*
- *Form 222*
- *Invoices*
- *Receipts*

An initial inventory must be completed on the initial day of receiving a DEA permit or when a veterinarian in charge has changed. If you do not have any inventory, then list "0" as your inventory total. A form template is located on the Boards website.

A biennial inventory must be completed by every DEA registrant every 2 years from the date of the last annual or biennial inventory. Of course, inventories can be done more than every 2 years. A form template is located on the Boards website.

Ordering Controlled Substances

For Schedule I—II complete *DEA Form 222* to order controlled substances. Keep form for 2 years. Must write on form the date and quantity received.

For Schedule III-V are invoiced by the vendor.

Loss of Controlled Substances

Notify DEA within 24 hours to report loss of controlled substances and then complete DEA Form 106. Loss of drugs in transit should be done by the vendor. There must be a police report for theft of a controlled substance.

Disposing of Controlled Substances Options

- **An approved DEA Reverse Distributor or**
- **Incinerator**
 - DEA Form 41 must be completed and a witness' signature is required.
 - If you do not have an incinerator, you can transfer your controlled substances to another willing facility that has an incinerator by using the DEA Form 222.

WV Pharmacy Permit

- Is NOT required if a veterinarian has the DEA permit.
- Is required if a facility has a DEA permit and the veterinarians are using the facility DEA permit instead of their own DEA permit.

CONTROLLED SUBSTANCES MONITORING PROGRAM (CSMP) VETERINARIANS—NOW EXEMPT

Pursuant to HB2028, veterinarians are now **exempt** from the requirements of the WV Board of Pharmacy Controlled Substance Monitoring Program. Veterinarians will not be required to search or enter controlled substance into the Controlled Substance Monitoring Program.

Since §60a-9-4 (f) falls under Article 9. Controlled Substance Monitoring, Veterinarians are also **exempt** from the maximum 72 hour allowance law stated below:

- Reporting required by this section is not required for a drug administered directly to a patient by a practitioner. Reporting is, however, required by this section for a drug dispensed to a patient by a practitioner. The quantity dispensed by a prescribing practitioner to his or her own patient may not exceed an amount adequate to treat the patient for a maximum of 72 hours with no greater than two 72-hour cycles dispensed in any 15-day period of time.

COVID FACILITY PROTOCOLS

The Board office has received several calls regarding veterinary facilities using curbside services. The Board encourages the facilities to use safe protocols. Veterinary facilities should set up their individual protocols for protection of Covid based upon the infection rate in their area. If the facility is not using curbside service, they should honor request from the clients should they request it. All veterinary facilities should follow state and federal COVID guidelines.

RELEASE OF MEDICAL RECORDS

Medical records must be released even if the client has not paid the full bill. 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.

PRESCRIPTION REQUEST

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.

ANNUAL VETERINARIAN AND RVT CE AUDITS COMPLIANCE – 94%

In February 2021, the Board conducted a random CE audit of 10% of the Veterinarians and Registered Veterinary Technicians that renewed their licenses for 2020.

There were 4 veterinarians and 1 RVT non-compliant with the required CE's which resulted in Board initiated Complaints.

FREQUENTLY ASKED QUESTIONS

How many hours can be online? There are no set amount of CE hours that can be done online. Any or all of the CE hours can be done online as long as you meet the Board approved CE requirements.

Am I required to have a CE certificate for proof of attendance? In the event that your CE's are audited, a CE certification of completion is required for proof of attendance.

Does listening to audio or reading journals count as CE? No, The Board no longer allows listening to audio or reading journals as an approved CE for either veterinarians nor RVT's.

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.

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 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 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.

Registered Veterinary Technicians

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

- A minimum of 4 hours shall be related to the practice of veterinary technology to include scientific, laboratory, regulatory, and medical record keeping.
- No more than 4 hours shall be related to practice management.
- 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.

VETERINARY FACILITY INSPECTION FREQUENT DEFICIENCIES

So that you can be prepared for your next facility inspection, below is a list of items that are common facility deficiencies:

- License and facility permits not posted in a conspicuous to the public
- Abandoned Animal Notice not posted
- No isolation room
- Controlled substance register missing required fields (template can be found on our website)
- Label missing required fields (template can be found on our website)
- Surgery room not solely used for surgery
- Peeling paint in kennels
- DEA Biennial inventory not completed (template can be found on our website)
- Radiology health certificate expired
- Not using a reverse distributor for expired controlled substances

The veterinary facility inspection form can be found on our website, wvbm@wv.gov under “Forms and Links/Facility”

RECENT BOARD QUESTIONS AND ANSWERS

Question: What does the Board consider the minimum standard of care for pain control in post-operative patients. Should all post-operative patients be required to receive pain medication to cover a period of time after the performed procedure?

Answer: Current standard of care is that pain medicine is appropriate and would recommend documentation if the owner refuses to accept the drugs.

Question: Can an RVT, working for a rescue organization, perform blood draws for feline combo test with indirect veterinarian supervision?

Answer: An RVT can perform blood draws for feline combo test under indirect veterinarian supervision.

Question: Can a veterinary specialist licensed in MD, OH, and PA, but not licensed in WV, participating in breed health clinics (cardiology, ophthalmology, neurology) that are run by WV breed clubs participate as a consultant to the WV practitioner where there is also WV licensed veterinarians participating in the clinic?

Answer: The Board honors the advanced education and dedication to veterinary medicine; however, without a legislation change, a WV veterinary license is required.

RECENT DISCIPLINARY ACTION

Copies of disciplinary actions are available on our website.

CONSENT AGREEMENT: Case 0517A Dr. Kevin Rowles - December 11, 2019

Violation: Engaged in an act which was likely to endanger the health, welfare, or safety of the public by consuming Ketamine on at least one occasion while on duty and in the course of treating patients, and that such consumption appeared to affect his sight and dexterity. Failed to maintain all drugs and biological agents in compliance with state and federal laws.

Penalty: Revoked indefinitely for a period of no less than 3 years. May not apply for licensure until the expiration of the three-year period, and prior to any such application, must have completed the following: Reimbursement of the reasonable and necessary expenses; within five days of making application, submit to a hair follicle drug test, at his own expense; submit to a state and national criminal history record check. If licensure application is approved: placed on probation for a period of 2 years; work under the direction of a Board-approved supervisory Veterinarian; random urinalysis drug test.

RECENT DISCIPLINARY ACTION—CONTINUED

CONSENT AGREEMENT: Case BVMCE0419B Dr. Peggy Williams - January 29, 2020

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

Penalty: \$100 Fine, completion of deficiency in CE hours, and reimbursement of the Board cost and legal expenses to be paid within 6 months of Consent Agreement. Submit to a CE audit for calendar year 2019.

CONSENT AGREEMENT: Case 1119D Dr. Audra Melton - February 19, 2020

Violation: Failed on 3 separate occasions to provide timely notice of the change in ownership of a veterinary facility.

Penalty: Reimbursement of the Board cost and legal expenses to be paid within 90 days of Consent Agreement.

CONSENT AGREEMENT: Case 0320A Dr. James Radcliffe - June 13, 2020

Violation: Failed to maintain complete patient medical records, including lack of documentation of a thorough physical examination.

Penalty: Complete 3 hours of Board approved CE's on the subject of record keeping and reimbursement of the Board cost and legal expenses within 90 days of Consent Agreement. After completion of medical record keeping CE, provide 5 medical records for the Board to review.

CONSENT AGREEMENT: Case 1119E Dr. Paula Young - July 2, 2020

Violation: Failed to maintain complete patient medical records, including lack of documentation of a thorough physical and diagnostic examination to support her medical decisions and lack of documentation of a pre-anesthesia examination to include vitals, MM color, and heart/lung exam.

Penalty: Complete 3 hours of Board approved CE's on the subject of record keeping and reimbursement of the Board cost and legal expenses within 90 days of Consent Agreement. After completion of medical record keeping CE, provide 5 medical records for the Board to review.

CONSENT AGREEMENT: Cases 0220A and 0220B Dr. Kevin Hennessy - July 10, 2020

Violation: Failed to obtain professional conduct. Failed to provide veterinary care in a competent and humane manner. Failed to perform all aspects of veterinary medicine and surgery in a manner compatible with current veterinary medical practice. Failed to exercise the same degree of humane care, skill. Failed in treating patients as is ordinarily used in the same or similar circumstances by reasonable members of the veterinary medical profession. Failed to conduct his practice with honesty, integrity, and fair dealing to clients in time and services rendered.

Penalty: Probation for a period of 12 months. During the period of probation shall, be observed by his office manager daily of his professional behavior and conduct; 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 of Consent Agreement, and as a condition to his continuation in practice, shall 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.

Within 90 days of Consent Agreement shall complete 3 hours of Board-approved CE on medical recordkeeping. Within 6 months of completing the medical recordkeeping CE, submit a total of five 5 patient medical records completed and maintained by him in the course of his practice.

Within 6 months of Consent Agreement, complete 3 hours of Board-approved CE on Ethics and reimbursement of the Board cost and legal expenses.

RECENT DISCIPLINARY ACTION—CONTINUED**CONSENT AGREEMENT: Case 0520B Dr. Jennifer Stout - October 2, 2020**

Violation: Failed to maintain complete and consistent patient medical records, including lack of documentation of a thorough physical and diagnostic examination to include vitals and lack of patient medical history.

Penalty: Complete 3 hours of Board approved CE's on the subject of record keeping and reimbursement of the Board cost and legal expenses within 90 days of Consent Agreement. After completion of medical record keeping CE, provide 5 medical records for the Board to review.

CONSENT AGREEMENT: Case BVMCE0620 Dr. Michael Jacobs - October 6, 2020

Violation: Failed to obtain the required hours of CE's within the calendar year 2019.

Penalty: \$100 Fine, completion of deficiency in CE hours, 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 2020.

CONSENT AGREEMENT: Case 0820C Dr. Julia Thomas - December 2, 2020

Violation: Failed to meet the applicable standard of care in diagnosing and treating a dog and in communicating with the owner.

Penalty: Complete 3 hours of Board approved CE's on the subject of internal medicine, 3 hours of Board approved CE's on the subject of client communication, and reimbursement of the Board cost and legal expenses within 6 months of Consent Agreement.

CONSENT AGREEMENT: Case 0620A Dr. John Spiker - December 14, 2020

Violation: Failed to maintain complete patient medical records, including lack of documentation of signalment, weight, pre-surgical exam, post-surgical monitoring, vaccine history, and post-care instructions, and failed to maintain complete controlled substance logs.

Penalty: Submit 3 patient medical records from each of the next 3 spay/neuter clinics.

CONSENT AGREEMENT: Case BVMCE0621B Dr. Caitlin Cosentino - July 17, 2021

Violation: Failed to obtain the required hours of CE's within the calendar year 2020.

Penalty: \$100 Fine, completion of deficiency in CE hours, and reimbursement of the Board cost and legal expenses within 90 days of Consent Agreement. Submit to a CE audit for calendar year 2021.

CONSENT AGREEMENT: Case BVMCE0621A Dr. Alexandro Dias - July 30, 2021

Violation: Failed to obtain the required hours of CE's within the calendar year 2020.

Penalty: \$100 Fine, completion of deficiency in CE hours, and reimbursement of the Board cost and legal expenses within 90 days of Consent Agreement. Submit to a CE audit for calendar year 2021.

CONSENT AGREEMENT: Case BVMCE0621E Dr. Megan Wagner—August 5, 2021

Violation: Failed to obtain the required hours of CE's within the calendar year 2020.

Penalty: \$100 Fine, completion of deficiency in CE hours, and reimbursement of the Board cost and legal expenses within 90 days of Consent Agreement. Submit to a CE audit for calendar year 2021.

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