

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

WEST VIRGINIA BOARD OF VETERINARIAN MEDICINE, *Complainant,*

v.

MARK H. CURTIS, III Licensed Veterinarian, *Respondent.*

Complaint No. BVM0411A

ORDER SUSPENDING RESPONDENT'S
VETERINARY MEDICINE LICENSE

Pursuant to West Virginia Code § 30-1-8(e)(1), the West Virginia Board of Veterinarian Medicine (hereinafter "Board") hereby immediately suspends the veterinary license of Mark H. Curtis, III, (hereinafter "Respondent") on the basis that his continued practice constitutes an immediate danger to the public. This Order is based on the following:

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

2. Respondent is a licensed veterinarian with the license number of 8517, and is currently practicing in or about St. Albans, West Virginia.

3. On April 26, 2011, Wanda Goodwin (hereinafter "Goodwin") the Board's executive director, received a telephone call from pharmacist Gannett Monk employed with Loop Pharmacy & Home Medical in St. Albans, West Virginia. He had concerns about Respondent's acquisition of abnormal amounts of controlled substances not appropriate for veterinary use such as Hydrocodone and Alprazolam.

4. Goodwin proceeded to investigate the claim obtaining a copy of the

pharmacy records that showed the acquisition of abnormal amounts of Hydrocodone and Alprazolam.

5. On April 29, 2011, the Board authorized additional investigation.

6. On May 3, 2011, Agent Mark Armstrong (hereinafter "Armstrong") with the Drug Enforcement Agency (hereinafter "DEA") and Sgt. Michael LaFauci (hereinafter "LaFauci") with the State Police visited Respondent and took his DEA permit and all controlled substances that were in his office. Armstrong told Respondent to call the Board of Veterinary Medicine and inform them what had just happened.

7. On said same day Goodwin received a call from Respondent pursuant to the instructions of Armstrong. Respondent informed Goodwin that he surrendered his DEA permit and all controlled substances.

8. On May 12, 2011, Armstrong informed Goodwin that Respondent admitted that he obtained Oxycodone, Hydrocodone, and Alprazolam for personal consumption.

9. On May 17, 2011, the Board voted to suspend Respondent's license to practice veterinary medicine pending further investigation.

10. Goodwin obtained additional information from the WV Board of Pharmacy controlled substance registry and discovered more acquisitions by Respondent of controlled substances.

11. The Board is continuing its investigation.

12. The Board is authorized to suspend or revoke a license without prior hearing if "the person's continuation in practice constitutes an immediate danger to the public." See, W. Va. Code § 30-1-8(e)(1).


13. The seriousness of the allegations cannot be understated. The Board is charged by the Legislature with the responsibility to protect the health, safety and welfare of the public and animals through its regulation of the practice of veterinary medicine. The Board must weigh the competing principles of their duties to protect from the type of conduct alleged in this complaint with ensuring due process to its licensees. The seriousness of the allegation is cause to question whether the Board can bear the risk of allowing Respondent to practice veterinary medicine.

ACCORDINGLY, in this case, the Board finds that Respondent's continued practice of veterinary medicine constitutes an immediate danger which warrants the immediate suspension of his license pursuant to West Virginia Code § 30-1-8(e)(1).

ORDER

Effective upon the entry of this Order, the Respondent's veterinary license shall be SUSPENDED until such time as the Board concludes its investigation, and if warranted, convenes an administrative hearing and renders a Final Administrative Order regarding the allegations in the above-referenced complaint. Respondent is directed to surrender his veterinary license immediately upon receipt of this Order.

ENTERED this 19th day of May, 2011.



WANDA GOODWIN
EXECUTIVE DIRECTOR
W. VA. BOARD OF VETERINARY MEDICINE