

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,
Complainant,**

v.

Case No. 0624A

**JAMES E. RADCLIFFE, D.V.M.,
Veterinarian License Number 7925
Respondent.**

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint, the West Virginia Board of Veterinary Medicine (“Board”) determined that there was probable cause to believe that James E. Radcliffe (“Respondent”) has exhibited unprofessional conduct in the practice of veterinary medicine, in violation of the provisions of W. Va. Code § 30-10-1 *et seq.* and the Rules of the Board at W. Va. Code R. § 26-1-1 *et seq.* The Respondent was provided with written notice of the allegations against him pursuant to the rules of the Board and the laws of this State.

WHEREAS, Respondent acknowledges that the Board may file a formal Statement of Charges pursuant to W. Va. Code §§ 30-10-1 *et seq.* and W. Va. Code R. §§ 26-1-1 *et seq.*; however, Respondent waives the filing of a formal Statement of Charges.

WHEREAS, in lieu of hearing, the parties have reached an agreement for the resolution of Case Number 0624A, and the parties agree to entry of the following Findings of Fact, Conclusions of Law, and Order in disposition of this matter.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That James E. Radcliffe is a licensee of the Board with license number 7925 and is subject to the license requirements of said Board. Moreover, that all times relevant to this Complaint that the Respondent held an active license issued by this Board.
2. The Board is a regulatory board created for the purpose of regulating the practice of veterinary medicine. W. Va. Code § 30-10-1 *et seq.*
3. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's veterinary medicine license because of authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19.
4. That on June 3, 2024, the Board received a complaint against the Respondent for the care of a dog named "Daisy."
5. That the Respondent at all times relative to this Complaint practiced veterinary medicine at the Town and Country Animal Hospital ("Town & Country") located in Wheeling, West Virginia.
6. That the Respondent filed a timely response to this Complaint denying all allegations.
7. Daisy had been a patient at Town & Country since May 2011.
8. The Complaint alleges that between March 2021 and May 2024, Respondent misdiagnosed and mistreated Daisy.

9. Specifically, the Complaint alleges that Daisy was misdiagnosed in March 2021 when Respondent performed a series of tests on Daisy and determined there was an issue with her liver. Ultimately, Daisy was determined to have a mass on her liver and dispensed medication for treatment.

10. The Complaint alleges that Daisy continued to struggle with health issues to no avail. The Complaint alleges that while having another animal treated by different veterinarian, she was told that Daisy most likely had Cushing's Disease.

11. Daisy was tested and confirmed to have Cushing's Disease in May 2024. She was placed on a new medication for this diagnosis.

12. Respondent denies any wrongdoing by explaining that Daisy had numerous chronic conditions that she was being treated for by Town & Country.

13. Moreover, Respondent notes that Daisy was offered a test for Cushing's disease as early as 2017 which was declined by Complainant.

14. Respondent further notes that the reports and complaints given by the Complainant during visits to Town & Country did not support a Cushing's disease diagnosis.

15. Respondent noted that Complainant was concerned regarding finances throughout the treatment of Daisy at Town & Country.

16. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by majority vote, at its Board meeting on October 18, 2024, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, James E. Radcliffe.

17. That the Respondent's actions constitute, practices or acts in violation of W. Va. Code R. §§ 26-4-5.1.a and b.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice veterinary medicine, pursuant to W. Va. Code § 30-10-19.
3. That the Board has defined unprofessional conduct by adopting the standards of practice at 26 C.S.R. § 4-1 *et seq.* and violations of these standards of practice may be grounds for disciplinary action by the Board pursuant to W. Va. Code § 30-10-19(g)(3).
4. That Respondent violated the standard care by failing to properly diagnosis a patient given the symptoms presented by the Complainant.
5. That Respondent's actions constitute, practices or acts in violation of W. Va. Code R. §§ 26-4-5.1.a and b.
6. That the Board served a *Complaint* upon the Respondent pursuant to the laws and regulations of West Virginia.

CONSENT OF LICENSEE

I, James E. Radcliffe, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.

2. That 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 herein.

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

4. That 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. That I admit my actions violated standards of care for the practice of veterinary medicine and in violation of the governing statute and rules of the Board.

The Respondent, James E. Radcliffe, by affixing his signature hereon, agrees to the following:

ORDER

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent is hereby REPRIMANDED for his actions in this matter.
2. Within three (3) months from the date of the entry of this *Order*, Respondent shall complete three (3) hours of board-approved continuing education on the subject of metabolic

disease such as Cushing's disease. These continuing education hours do not count toward the required eighteen (18) hours of continuing education that is required of all board licensees.

3. Within three (3) months from the date of the entry date of this *Order*, Respondent shall reimburse the Board for the costs of these proceedings, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.

4. Any violation of this *Consent Agreement and Order*, or failure to adhere to its terms may result in additional disciplinary action, up to and including the suspension or revocation of the Respondent's license to practice veterinary medicine in the state of West Virginia.

5. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database.

6. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).

7. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

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

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE

By: Keith Berkeley, DVM.
Dr. Keith Berkeley
Board Chair

Entered: 10 March 2025
DATE

Reviewed and agreed to by:

James E. Radcliffe, DVM
James E. Radcliffe, DVM, Respondent

2/17/2025
DATE

This day personally appeared before me, James E. Radcliffe, 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 his knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 11th day of February, 2025.

My Commission expires: 3/10/2028

Michelle E. Iovar

Notary Public

