



WEST VIRGINIA BOARD OF VETERINARY MEDICINE
5509 Big Tyler Road, Suite 3
Cross Lanes, West Virginia 25313
Telephone: (304) 776-8032 Fax: (304) 776-8256

MINUTES
OCTOBER 2, 2020 @ 9:00 AM
STONEWALL RESORT/SKYPE

Members Present: Dr. John Wilson; Dr. D. James Moore
Dr. Keith Berkeley and Dr. Barbara Meade left at 11:10am
Members Present by Skype: Dr. Mark Ayers; Dr. Frank Cary; Mrs. Jo Long; Mrs. Amy Meadows;
Mrs. Monica R. Patton
Non-Members Present: Dawn Karnes, Inspector; Doreen Colbert, Secretary; Keith Fisher, Attorney
General's Office
Minutes taken by: Trish Holstein

- I. The meeting was called to order at 9:12 am.
- II. Dr. Wilson went over the Mission Statement.
- III. There was no Public Comment.

Dr. Moore motioned to go into Executive session to discuss disciplinary at 9:25 am; seconded by **Dr. Berkeley**. Motion carried.

Dr. Moore motioned to go out of Executive session at 10:37 am; seconded by **Dr. Berkeley**. Motion carried.

IV. Disciplinary Committee Report

- a) Case No.1119E Dr. Paula Young
 - 6-month letter sent April 28, 2020.
 - Consent Agreement effective July 2, 2020.
 - Within 90 days of Consent Agreement and Order (October 2, 2020)
 - Reimbursement of administrative cost paid August 1, 2020.
 - Complete 3 hours of recordkeeping Board-approved continuing education.
 - Within 90 days of completing the record keeping CE, submit to the Board for its review a total of 5 patient medical records.
 - The Board reviewed the 5 patient medical records but requested clarification if the medical records were of real patient records.
 - **Dr. Berkeley** motioned that once proof of CE has been submitted and clarification of patient records that all the requirements for the Consent Agreement has been met and to close the case; seconded by **Dr. Moore**. Motion carried.
- b) Case No.0220A Dr. Kevin Hennessy
 - Consent Agreement Offer effective July 10, 2020.
 - Placed on Probation for a period of 12 months (July 10, 2021)
 - Professional behavior and conduct shall be observed by his office manager on a daily basis.
 - 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 (July 24, 2020), and as a condition to his continuation in practice
 - 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.
 - Should he fail such examination, his license shall immediately be suspended until he is later examined and deemed fit to practice.
 - Physical assessment performed on July 21, 2020.
 - Mental evaluation performed September 17, 2020.
 - Within 90 days (October 10, 2020), complete three 3 hours of Board-approved CE on medical recordkeeping.
 - Within six 6 months of completing the CE, submit a total of five 5 patient medical records completed and maintained by him in the course of his practice.
 - Within 6 months (January 10, 2021)
 - Complete three 3 hours of Board-approved CE on Ethics.
 - Reimbursement of administrative cost.
 - **Dr. Berkeley** motioned that after discussion and review of the physical and mental assessments, to request Dr. Hennessey to provide supervisor candidates; seconded by **Dr. Moore**. Because **Dr. Ayers** is an owner of the facility, he recused himself. Motion carried.
- c) Case No.0220B Dr. Kevin Hennessey
- Consent Agreement Offer effective July 10, 2020.
 - Placed on Probation for a period of 12 months (July 10, 2021)
 - Professional behavior and conduct shall be observed by his office manager on a daily basis.
 - 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 (July 24, 2020), and as a condition to his continuation in practice
 - 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.
 - Should he fail such examination, his license shall immediately be suspended until he is later examined and deemed fit to practice.
 - Physical assessment performed on July 21, 2020.
 - Mental evaluation performed September 17, 2020.
 - Within 90 days (October 10, 2020), complete three 3 hours of Board-approved CE on medical recordkeeping.
 - Within six 6 months of completing the CE, submit a total of five 5 patient medical records completed and maintained by him in the course of his practice.
 - Within 6 months (January 10, 2021)
 - Complete three 3 hours of Board-approved CE on Ethics.
 - Reimbursement of administrative cost.
 - **Dr. Berkeley** motioned that after discussion and review of the physical and mental assessments, to request Dr. Hennessey to provide supervisor candidates; seconded by **Dr. Moore**. Because **Dr. Ayers** is an owner of the facility, he recused himself. Motion carried.
- d) Case No.0320A Dr. James Radcliffe
- Consent Agreement effective June 13, 2020.
 - Within 90 days of Consent Agreement and Order (September 13, 2020).
 - Reimbursement of administrative cost paid July 6, 2020.
 - August 22, 2020 completed 3 hours of recordkeeping Board-approved continuing education.
 - Within 90 days of completing the record keeping CE, submit to the Board for its review a total of 5 patient medical records. Received patient records on August 27, 2020 for the Board to review.
 - **Dr. Moore** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Mrs. Long**. Motion carried.

- e) Case No.0520B (Original complaint received 05/22/20 18 months – 11/22/21)
 - Consent Agreement was executed October 2, 2020.
- f) Case No. BVMCE0620
 - Pending Consent Agreement and Order
- g) Case No.0620A (Original complaint received 06/24/20 18 months – 12/24/21)
 - **Dr. Berkley** motioned to find probable cause and to submit a Consent Agreement; seconded by **Mrs. Patton**. The small animal complaint committee recused themselves and left the meeting during the vote. Motion carried.
- h) Case No.0820A (Original complaint received 08/17/20 18 months – 2/17/22)
 - **Mrs. Long** motioned to not find probable cause seconded by **Dr. Berkeley**. Because **Dr. Moore** had treated the patient, he recused himself and left the meeting during the vote. The small animal complaint committee recused themselves and left the meeting during the vote. Motion carried.
- i) Case No.0820B (Original complaint received 08/21/20 18 months – 2/21/22)
 - **Mrs. Patton** motioned to not find probable cause; seconded by **Mrs. Long**. Motion carried. Because **Dr. Meade** is the owner of the facility, she recused herself and left the meeting from the vote. The small and large animal complaint committees recused themselves and left the meeting during the vote. Motion carried.
- j) Case No.0820C (Original complaint received 08/28/20 18 months – 2/28/22)
 - **Dr. Berkeley** motioned to find probable cause and to submit a Consent Agreement; seconded by **Mrs. Long**. Because **Dr. Moore** is the owner of the facility, he recused himself and left the meeting during the vote. The small complaint committees recused themselves and left the meeting during the vote. Motion carried.
- k) Case No.0820D (Original complaint received 08/26/20 18 months – 2/26/22)
 - **Dr. Berkeley** motioned to find probable cause and to submit a Consent Agreement; seconded by **Dr. Cary**. The small animal complaint committees recused themselves and left the meeting during the vote. Motion carried.
- l) The Board discussed and found no action needed for the investigation of the WV Board of Pharmacy breach of professional standards.
- m) The Board discussed a veterinarian's adverse actions that was submitted from AAVSB and found no action needed.

V. Approval of Minutes

- a) **Dr. Berkeley** motioned to approve the July 31, 2020 minutes; seconded by **Dr. Meade**. Motion carried.

VI. Reports

- a) The Board accepted and reviewed the treasurer's report and itemized object codes which will be filed for auditing.
- b) **Mrs. Patton** motioned to approve the P-Card Charges May 17, 2020 – September 16, 2020; seconded by **Mrs. Long**. Motion carried. **Dr. Berkeley** and **Dr. Meade** were not present for the vote.
- c) The Board reviewed the 1st and 2nd Quarter 2020 to date facility inspection report.
- d) The Complaint Committee met on October 1, 2020.
- e) The Record Keeping Committee met on October 1, 2020.
- f) There has been no response from the Governor's Office in regard to the Board's approval request for a CE extension.
- g) The CAET 3-day training was held August 21 - 23, 2020 in Morgantown for 9 attendees.
- h) The Board reviewed the cost breakdown for the CAET CE and training.
- i) InLumon Update
 - Online applications are expected to be available soon.
 - Online renewals are expected to be available soon.

- j) Trish has attended a couple of AAVSB Conference training.
 - Trish will provide the Board members and post online information on the ASK program.
- k) The Board reviewed the quarterly mobile clinic report.

VII. The Board requested further clarification regarding a RVT practicing telemedicine.

VIII. New Business

- a) **Dr. Moore** motioned that the Board will only permit acupuncture services on an animal, done by anyone other than a licensed veterinarian, to be done by an acupuncturist that holds a WV professional acupuncturist license that is certified in acupuncture for animals and they must supervised by a WV licensed veterinarian; seconded by **Mrs. Meadows**. Motion carried. **Dr. Berkeley** and **Dr. Meade** were not present for the vote.
- b) The Board discussed the selling of CBD oil in a veterinary facility. Since CBD oil it is an over the counter dietary supplement, the Board has no authority to regulate these types of supplements. All medical communication should be noted in the patient's file. It is up to the veterinary's judgement of what supplements they provide to their clients.
- c) The Board answered questions from Dawn Karnes, Inspector, regarding ambulatory facilities inspections. The Board requested the questions/answers be provided to the ambulatory facilities.
- d) **Dr. Moore** motioned to approve the minimum requirements for medical record template; seconded by **Mrs. Meadows**. Motion carried. **Dr. Berkeley** and **Dr. Meade** were not present for the vote.
- e) The Board review Dawn Karnes, Inspector, initial and 6-month performance evaluation.
- f) **Dr. Moore** motioned to approve the employee handbook; seconded by **Dr. Cary**. Motion carried. **Dr. Berkeley** and **Dr. Meade** were not present for the vote.
- g) The Board discussed their strategy and goals for 2020.
- h) **Dr. Meade** motioned to request Dr. Seiler, Dr. Fallon, and Dr. Sette to replace Dr. Moore and Dr. Meade's expired terms seconded by **Dr. Berkeley**. Motion carried.
- i) The Patient Record committee previously met regarding patient record keeping requirements and suggested the patient records be reviewed by the Inspector after the inspection and to submit to the Board any questionable patient records.
- a) Trish, Jo, and Monica will be attending the licensing board seminar held online October 27, 2020.

IX. The next Board meeting is scheduled for Thursday, January 7, 2021 at the Greenbrier Resort.

X. The meeting was adjourned at 12:05 pm.

Approved by:



Monica R. Patton, RVT
Secretary-Treasurer