



WEST VIRGINIA BOARD OF VETERINARY MEDICINE
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MINUTES
APRIL 26, 2021 @ 9:00 AM
MORGANTOWN, WV

Members Present or by Skype: Dr. John Wilson; Mrs. Monica R. Patton; Dr. Mark Ayers (left at 11:10am); Dr. Frank Cary; Jesse Fallen; Dr. Shawn Sette; Mrs. Jo Long; Mrs. Amy Meadows
Members Absent: Dr. Keith Berkeley
Non-Members Present or by Skype: Keith Fisher, Attorney General's Office; Dr. Barbara Meade, Investigator
Andre Forget, Thentia
Minutes taken by: Trish Holstein

- I. The meeting was called to order at 9:06 am.
- II. Dr. Wilson went over the Mission Statement.
- III. There was no Public Comment.

Dr. Sette motioned to go into Executive session to discuss disciplinary and the hiring of a Secretary at 9:11 am; seconded by **Dr. Cary**. Motion carried.

Ms. Long motioned to go out of Executive session at 11:16 am; seconded by **Dr. Cary**. Motion carried.

Dr. Cary motioned to go back into Executive session to discuss disciplinary and the hiring of a Secretary at 12:00 pm. seconded by **Dr. Sette**. Motion carried. **Dr. Ayers** was not present for the vote.

Dr. Sette motioned to go out of Executive session at 12:19 pm; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.

IV. Disciplinary Committee Report

a) Case No.0220A Dr. Kevin Hennessy

- Consent Agreement 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.
 - Consideration of physical assessment performed on July 21, 2020.
 - Consideration of mental evaluation performed September 17, 2020.

- Within 90 days (October 10, 2020), completed three 3 hours of Board-approved CE on medical recordkeeping on October 22, 2020.
 - 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)
 - Completed three 3 hours of Board-approved CE on Ethics October 26, 2020.
 - Received Reimbursement of administrative cost on October 8, 2020.
- b) Case No.0220B Dr. Kevin Hennessy
 - Consent Agreement 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.
 - Consideration of physical assessment performed on July 21, 2020.
 - Consideration of mental evaluation performed September 17, 2020.
 - Within 90 days (October 10, 2020), completed three 3 hours of Board-approved CE on medical recordkeeping on October 22, 2020.
 - 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)
 - Completed three 3 hours of Board-approved CE on Ethics October 26, 2020.
 - Received Reimbursement of administrative cost on October 8, 2020.
- c) Case No.0520B Dr. Jennifer Stout
 - Consent Agreement effective October 2, 2020.
 - Within 90 days of Consent Agreement and Order (January 2, 2021)
 - Reimbursement of administrative cost paid January 26, 2021.
 - 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.
 - Received patient records for Board's review.
 - **Dr. Cary** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Sette**. Motion carried. **Dr. Ayers** was not present for the vote.
- d) Case No. BVMCE0620 Dr. Michael Jacobs
 - Consent Agreement effective October 6, 2020.
 - The Board accepts the 3 CE hours that was completed January 5, 2020 in lieu of the deficient CE's.
 - CE hours to be audited for calendar year 2020.
 - CE's were provided during renewal and comply.
 - Within 90 days of Consent Agreement and Order (January 6, 2021)
 - Paid \$100.00 October 5, 2020.
 - Paid reimbursement of administrative cost March 4, 2021.
 - **Dr. Sette** motioned that since all requirements for the Consent Agreement have been met, the case is now closed; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
- e) Case No.0620A Dr. John Spiker
 - Consent Agreement effective December 14, 2020.
 - Submit 3 patient medical records from each of the next 3 spay/neuter clinics.
 - Received patient records for Board's review.

- **Dr. Sette** motioned to not accept the patient records because they were incomplete and for Dr. Spiker to submit patient records from the next clinic: seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
- f) Case No.0820C Dr. Julia Thomas
 - Consent Agreement effective December 2, 2020.
 - Within 6 months of Consent Agreement and Order (June 2, 2021)
 - Reimbursement of administrative cost paid January 4, 2021.
 - Complete 3 hours of internal medicine Board-approved continuing education.
 - Complete 3 hours of client communication Board-approved continuing education.
- g) Case No.1020B (Original complaint received 10/14/20 18 months – 4/14/22)
 - 6-month letter submitted April 14, 2021.
 - **Dr. Sette** motioned to further investigate; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
- h) Case No.0121A (Original complaint received 1/20/21 18 months – 7/20/22)
 - **Dr. Cary** motioned to further investigate; seconded by **Dr. Sette**. Motion carried. **Dr. Ayers** was not present for the vote.
- i) Case No.0121B (Original complaint received 1/20/21 18 months – 7/20/22)
 - **Dr. Sette** motioned to not find probable cause; seconded by **Dr. Cary**. Motion carried **Mrs. Meadows** with the small animal complaint committee recused herself from the vote. **Dr. Ayers** was not present for the vote.
- j) Case No.0321A (Original complaint received 3/10/21 18 months – 9/10/22)
 - **Dr. Sette** motioned to find further investigate; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
- k) Case No.0321B (Original complaint received 3/17/21 18 months – 9/17/22)
 - **Dr. Cary** motioned to not find probable cause; seconded by **Dr. Sette**. Motion carried. **Mrs. Meadows** with the small animal complaint committee recused herself from the vote. **Dr. Ayers** was not present for the vote.
- l) **Dr. Sette** motioned to further investigate the felony RVT Application; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
- m) The Board investigated the Love Shack Rescue for a non-licensee performing veterinary medicine. The Love Shack Rescue was issued a warrant by the Sherriff's Office and is now shut down; so, no other action is required.
- n) Since the 2nd veterinarian in case #1120A is not a WV licensed veterinarian, no other action is required.
- o) The WV Pharmacy Board is still investigating the Chewy complaint.

V. Approval of Minutes

- **Mrs. Patton** motioned to approve the July January 7, 2021 minutes; seconded by **Dr. Sette**. Motion carried. **Dr. Ayers** was not present for the vote.
- **Mrs. Patton** motioned to approve the March 16, 2021 minutes; seconded by **Dr. Sette**. Motion carried. **Dr. Ayers** was not present for the vote.

VI. Reports

- a) The Board accepted and reviewed the treasurer's report and itemized object codes which will be filed for auditing.
- b) **Dr. Sette** motioned to approve the P-Card charges for December 17, 2020 – April 16, 2020; seconded by **Mrs. Patton**. Motion carried. **Dr. Ayers** was not present for the vote.
- c) The Complaint Committee Meeting members met with Dr. Meade, Investigator, prior to the Board meeting.
- d) Trish discussed the 2021 legislation session.
- e) Trish advised that InLumon has still not progressed with the database. Facility renewals started April 1 and the online renewals are still not available.
- f) The CAET CE training will be June 4, 2021 at Stonewall Resort.
- g) The Board reviewed AAVSB topics.
- h) There was no quarterly mobile clinic report for the Board to review.
- i) Because the database does not properly create reports, there was not an Executive Director report.

VII. Questions for the Board

- **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.
 - **Mrs. Patton** motioned that Current standard of care is that pain medicine is appropriate and would recommend documentation if the owner refuses to accept the drugs; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.

VIII. New Business

- a) Dr. Sette, Dr. Wilson, and Mrs. Patton has agreed to meet and discuss Rule's revisions and they will submit their suggested changes at the June Skype meeting.
- b) **Dr. Sette** motioned to decline requiring DEI as a CE requirement since we already allow non-medical CE hours; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
- c) **Dr. Cary** motioned to approve the hiring of Brandi Legg for a permanent position of Secretary with a \$15.00 hourly pay; seconded by **Dr. Sette**. Motion carried. **Dr. Ayers** was not present for the vote.
- d) **Dr. Sette** motioned to approve Thentia's 3-year contract as our new database provider; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
- e) Dr. Cary will replace Dr. Moore to teach the CAET Initial Training that will be held November 19-21, 2021.
- f) The Board discussed CAET initial training requirements.
- g) **Dr. Sette** motioned to approve the revised Applicant Renewal Approval policy; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
- h) The Board discussed newsletter topics.
- i) The Board discussed veterinarian and veterinary students administering covid vaccinations.
- j) **Dr. Sette** motioned that from the CE audit results log, #5 veterinarian and #1 RVT are in compliance, and #1-4 Veterinarians and #2 RVT to find probable cause and to offer a Complaint and Consent agreement; seconded by **Mrs. Patton**. Motion carried. **Dr. Ayers** was not present for the vote.
- k) The Board discussed facility inspection questions.
- l) Mrs. Patton and Dr. Sette will meet with Trish to review patient records received during facility inspections.
- m) The Board discussed strategy and goals for 2021. Mrs. Patton will setup a Facebook account for the Board.
- n) **Dr. Cary** motioned to approve the purchase of a laptop; seconded by **Dr. Sette**. Motion carried. **Dr. Ayers** was not present for the vote.
- o) **Dr. Sette** motioned to approve the purchase of a 2 Adobe Pro DC Purchases; seconded by **Dr. Cary**. Motion carried. **Dr. Ayers** was not present for the vote.
- p) Board Basics & Beyond Virtual April 22-23, 2021 was not discussed since it has already happened.
- q) The Board discussed the requirements for dispensing of controlled substances and requested the information to be posted on Facebook and the newsletter.
- r) The Board discussed members that are interested in attending the AAVSB annual meeting held September 30-October 2, 2021. Trish and Dr. Wilson conference is paid by AAVSB because they are committee members. Dr. Cary will consider attending.

IX. The next Board meeting will be via Skype on Thursday, June 3 @9:00am and then an in-person Board meeting for Friday, July 30, 2021 at Stonewall Resort.

X. The meeting was adjournment at 2:30pm.

Approved by:


Monica R. Patton, RVT
Secretary-Treasurer