



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
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January 6, 2005

James D. Carter, DVM
Old Dominion Veterinary Clinic
47 Boone Dr.
Troutville, VA 24175

Certified Article Number

7160 3901 9844 2317 5075

SENDERS RECORD

RE: Case # 99262

Dear Dr. Carter:

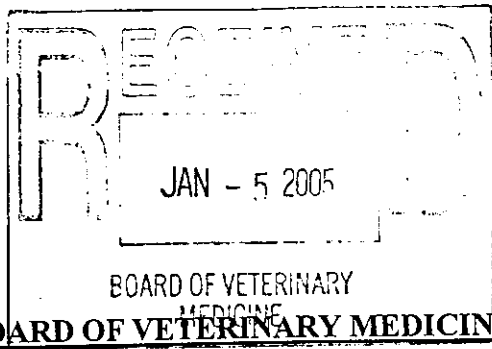
Enclosed is a Copy Teste of the Consent Order that was entered on January 6, 2005. The \$650 monetary penalty has been received, as well as the \$200 inspection fee, and the above referenced case is now closed.

Thank you for your cooperation in resolving this matter.

Sincerely,

Elizabeth A. Carter, Ph.D.
Executive Director

cc: Robert A. Nebiker, Director, Dept. of Health Professions
Cynthia Gaines, Administrative Proceedings Division
Susan Beasecker, Compliance Division
Keith Dressler, Inspections
Informal Conference Committee



VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE: JAMES D. CARTER, D.V.M.
License No.: 0301-002846
Complaint No.: 99262

CONSENT ORDER

By letter dated December 16, 2004, the Virginia Board of Veterinary Medicine ("Board") noticed Dr. Carter for an informal conference to inquire into allegations that he may have violated certain laws and regulations governing the practice of veterinary medicine in the Commonwealth of Virginia.

In lieu of proceeding to this informal conference, the Board and Dr. Carter, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Carter to practice veterinary medicine in Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. James D. Carter, D.V.M., holds license number 0301-002846 issued by the Board to practice veterinary medicine in the Commonwealth of Virginia, and at all times material hereto was the Veterinarian-in-Charge of Old Dominion Veterinary Clinic, Troutville, Virginia ("Old Dominion").

2. On August 24, 2004, an unannounced inspection was conducted on Old Dominion. The following deficiencies were identified:

- a. Dr. Carter is in violation of § 54.1-3807 (3) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-200 (A) (1) of the Regulations of the Board of Veterinary Medicine, in that the surgical suite did not appear to be clean and sanitary. Stains were found on the wall and floor, along with an accumulation of dust, dirt and

animal hair. This is a repeat violation of a facility inspection conducted on June 13, 2000.

b. Dr. Carter is in violation of § 54.1-3807 (3) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-200 (A) (4) (d) (2) of the Regulations of the Board of Veterinary Medicine, in that one surgical pack did not have an internal sterilization monitor. This is a repeat deficiencies found during a facility inspection conducted on June 13, 2000.

c. Dr. Carter is in violation of § 54.1-3807 (3) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-190 (F) of the Regulations of the Board of Veterinary Medicine, in that a refrigerator used to maintain medications did not have a thermometer.

d. Dr. Carter is in violation of § 54.1-3807 (3) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-190 (F) of the Regulations of the Board of Veterinary Medicine, in that five (5) expired drugs were found within the working stock. This is a repeat violation of a facility inspection conducted on June 13, 2000.

e. Dr. Carter is in violation of § 54.1-3807 (3) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-190 (G) (3) and (4) of the Regulations of the Board of Veterinary Medicine, in that distribution records for Schedule III – V controlled substance did not contain the identity of the client and animal, and the identity of the veterinarian administering or dispensing the medication.

f. Dr. Carter is in violation of § 54.1-3807 (3) and (5) and § 54.1-3404 (B) of the Code, and 18 VAC 150-20-140 (6) and (7) of the Regulations of the Board of Veterinary

Medicine, in that the Biennial Inventory was performed by unlicensed staff and not signed by the Veterinarian-In-Charge.

g. Dr. Carter is in violation of § 54.1-3807 (3) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-195 (A) of the Regulations of the Board of Veterinary Medicine, in that two of five records did not show the correct amounts of medication dispensed when compared to the distribution record.

h. Dr. Carter is in violation of § 54.1-3807 (3) and (5) and § 54.1-3806.1 of the Code, and 18 VAC 150-20-140 (6) and (7) of the Regulations of the Board of Veterinary Medicine, in that three of three animals boarded at Old Dominion did not have the disclosure form on file in the client's records.

i. Dr. Carter is in violation of § 54.1-3807 (3) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 VAC 150-20-200 (A) (4) (b) (3) of the Regulations of the Board of Veterinary Medicine, in that an emergency surgery light was not in the surgery suite.

CONSENT

James D. Carter, D.V.M., by affixing his signature hereon, agrees to the following:

1. He has been advised specifically to seek the advice of counsel prior to signing this document;
2. He is fully aware that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, §2.2-4000A et seq. of the Code;
3. He has the following rights, among others:
 - a. the right to an informal fact-finding conference before the Board;

- b. the right to representation by counsel; and
- c. the right to cross-examine witnesses against him.
4. He waives all rights to an informal hearing;
5. He admits the truth of the above Findings of Fact; and
6. He consents to the following Order affecting his license to practice veterinary medicine in the Commonwealth of Virginia.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact, Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that:

1. James D. Carter, D.V.M., be, and hereby is, REPRIMANDED.
2. Dr. Carter shall be assessed a monetary penalty of Six Hundred fifty Dollars (\$650.00), said penalty to be paid to the Board by certified check or money order within thirty (30) days from the date of entry of this Order. If the monetary penalty is mailed, it shall be mailed by certified or registered mail. If said monetary penalty is not received within the prescribed deadline, an additional One Hundred Dollar (\$100.00) late fee shall be assessed weekly, up to a maximum of One Thousand Dollars (\$1000.00). Failure to pay the full monetary penalty plus the additional assessment within one hundred (100) days of the date of entry of this Order shall constitute grounds for an administrative proceeding.
3. Dr. Carter's veterinary practice shall be subject to one (1) unannounced inspection within six (6) months from the date of entry of this Order. Dr. Carter shall be solely responsible for the payment of a Two Hundred Dollar (\$200.00) inspection fee to be paid to the Board within thirty (30) days of the inspection. If the inspection fee is mailed, it shall be sent by certified or registered mail. If said fee is not received within the prescribed deadline, an additional One Hundred Dollar (\$100.00) late fee shall be assessed weekly, up to a maximum of One Thousand Dollars (\$1000.00). Failure to pay the full fee plus the additional assessment

James D. Carter, D.V.M.

within one hundred (100) days of the inspection shall constitute grounds for an administrative proceeding. In the event that the inspection reveals a possible violation of the laws or regulations pertaining to the practice of veterinary medicine in the Commonwealth of Virginia, or Chapter 34 of Title 54.1, (§§ 54.1-3400 et seq.; Virginia Drug Control Act) of the Code, the Board specifically reserves the right to conduct further proceedings in this matter.

4. Dr. Carter shall maintain a course of conduct commensurate with the requirements of Chapter 38, Title 54.1 of the Code, and the Regulations of the Board of Veterinary Medicine. Any violation of the foregoing terms and conditions of this Consent Order or any statute or regulation governing the practice of veterinary medicine in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of James D. Carter, D.V.M., and an administrative proceeding shall be convened to determine whether Dr. Carter's license to practice veterinary medicine in the Commonwealth shall be suspended or revoked.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public release, inspection and copying upon request.

FOR THE BOARD:

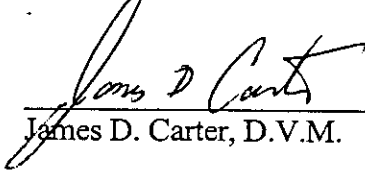


Elizabeth A. Carter, Ph.D.
Executive Director

ENTERED: January 6, 2005

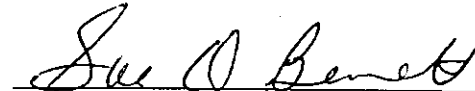
James D. Carter, D.V.M.

SEEN AND AGREED TO:


James D. Carter, D.V.M.

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Franklin

Subscribed and sworn to before me, a Notary Public in and for the city/county of Franklin Co., this 31st day of January, 2004, by James D. Carter, D.V.M.


Notary Public
My Commission Expires May 31, 2006

Certificate of Service

I hereby certify that a true copy of the foregoing Consent Order was mailed to James D. Carter, D.V.M., at Old Dominion Veterinary Clinic, 47 Boone Drive, Troutville, Virginia 24175, on the 6th day of January, 20045



Elizabeth A. Carter, Ph.D.
Executive Director
Board of Veterinary Medicine