



# COMMONWEALTH of VIRGINIA

Robert A. Nebiker  
Director

*Department of Health Professions*  
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June 2, 2005

**Certified Article Number**

**7160 3901 9848 3153 5980**

**SENDERS RECORD**

James D. Carter, DVM  
47 Boone Dr.  
Troutville, VA 24175

RE: Order of the Special Conference Committee

Dear Dr. Carter:

Enclosed is a Copy Teste of the Order entered by the Board of Veterinary Medicine following the Special Conference held on May 26, 2005. Should the Board office not receive written notification requesting a Formal Hearing within thirty-three days of the date on the Certificate of Service, this Order becomes final.

Should you have any questions concerning the Committee's recommendations, you may refer them to me or to Terri Behr at (804) 662-9915.

Sincerely,

Elizabeth A. Carter, Ph.D.  
Executive Director

Enclosure

pc: Robert Nebiker, Director, Dept. of Health Professions  
Jane Smith, Administrative Proceedings Division  
Keith Dressler, Investigator, Enforcement Division  
Susan Beasecker, Compliance

**VIRGINIA:**

**BEFORE THE BOARD OF VETERINARY MEDICINE**

**IN RE: JAMES D. CARTER, D.V.M.**  
**License No.: 0301-002846**  
**Complaint No.: 91343**

**ORDER**

Pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Veterinary Medicine ("Board"), composed of George H. Siemering, D.V.M., and Henry McKelvin, D.V.M., met with James D. Carter, D.V.M., on May 26, 2005, in Henrico County, Virginia. Dr. Carter was present and was not represented by counsel. The purpose of the informal conference was to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated April 20, 2005.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

After consideration of the evidence and statements concerning the allegations, the Committee makes the following Findings of Fact and Conclusions of Law:

1. James D. Carter, D.V.M., holds license number 0301-002846, which was issued by the Virginia Board of Veterinary Medicine on February 19, 1987. Said license will expire on December 31, 2005, unless renewed. Dr. Carter was Veterinarian-In-Charge at Old Dominion Veterinary Clinic, Troutville, Virginia, at all times material to the findings below.
2. Dr. Carter violated § 54.1-3807(5) of the Code, as further defined in 18VAC150-20-140(6), (7) and (8), 18VAC150-20-181(2), and 18VAC150-20-195.A of the Regulations of the Board of Veterinary Medicine, in that he endangered the health and welfare of his patient when he performed surgery outside the accepted standards of practice and failed to keep a daily record or all

relevant surgical procedures performed. Specifically, on or about March 31, 2003, Client A presented her male feline, "Smokey," for euthanasia due to chronic urinary tract disorder. Smokey was not euthanized, but, on or about April 7, 2003, Dr. Carter performed a perineal urethrostomy to correct the disorder without the knowledge or permission of Client A. He failed to note the type of surgery performed and to document the procedure. Dr. Carter's medical records for Smokey dated April 7, 2003, note only that the surgery performed was "routine." On or about June 3, 2003, Client A returned to his practice on an unrelated visit and found Smokey in his care. She elected to take Smokey home, and she was required to pay surgery costs before claiming her cat.

**ORDER**

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

1. James D. Carter, D.V.M., be, and hereby is, REPRIMANDED.
2. Dr. Carter's veterinary practice shall be subject to two (2) unannounced inspections within twelve (12) months from the date this Order becomes final. During this inspection, the Inspector shall obtain a random sampling of ten (10) medical records for patients seen after the date this Order becomes final, and these records shall be submitted to the Committee for review. Dr. Carter shall be solely responsible for the payment of the Two Hundred Dollar (\$200.00) inspection fees to be paid to the Board within thirty (30) days of each 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 within one hundred (100) days of the inspection shall constitute grounds for an

administrative proceeding. In the event that each 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.

3. Within six (6) months from the date this Order becomes final, Dr. Carter shall successfully complete four (4) hours of continuing education ("CE") which shall include two (2) hours in record-keeping and two (2) hours in ethics. All CE shall be approved in advance of registration by the Committee. Any CE hours obtained in compliance with this term shall not be used towards compliance with the Board's continuing education requirements for license renewal.

4. Dr. Carter shall maintain a course of conduct in his practice of veterinary medicine 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 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 § 54.1-2400(10) of the Code, this Order shall become final thirty (30) days after service unless a written request for a hearing before the Board is filed with Elizabeth A. Carter, Ph.D., Executive Director, Board of Veterinary Medicine. In the event that this decision is served by mail, three (3) days shall be added to the thirty (30) day period.

James D. Carter, D.V.M.

Pursuant to § 2.2-4023 of the Code, the signed original of this 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:



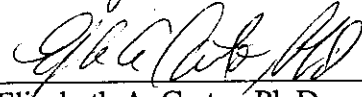
Elizabeth A. Carter, Ph.D.

Executive Director

ENTERED: June 2, 2005

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed to James D. Carter, D.V.M., at 47 Boone Drive, Troutville, Virginia 24175 on the 2nd day of June, 2005.



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