



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

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April 6, 2005

Brian T. Donohue, DVM
Animal House Veterinary Clinic
394 Garrisonville Rd.
Stafford, VA 22554

Certified Article Number

7160 3901 9848 3153 7465

SENDERS RECORD

RE: Case # 101273

Dear Dr. Donohue:

Enclosed is a Copy Teste of the Consent Order that was entered on April 6, 2005.

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
Board members
Antonio Rhoades, Esq.

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

**IN RE: BRIAN T. DONOHUE, D.V.M.
 License No.: 0301- 007251**

CONSENT ORDER

An Order entered February 22, 2005, summarily suspended Brian T. Donohue, D.V.M., from the practice of veterinary medicine. By letter of the same date, the Virginia Board of Veterinary Medicine ("Board") noticed Dr. Donohue for a formal administrative hearing related to allegations that he may have violated the terms of a Board Order entered October 25, 2004, and certain provisions regulating the practice of veterinary medicine in the Commonwealth of Virginia. The formal administrative hearing subsequent to summary suspension of Dr. Donohue's license has been scheduled for April 7, 2005.

In lieu of proceeding to a formal administrative hearing in this matter, the Board and Dr. Donohue, as evidenced by their signatures below, agree to enter into this Consent Order affecting the license of Dr. Donohue to practice veterinary medicine in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings of facts and conclusions of law in this matter:

1. Brian T. Donohue, D.V.M., holds license number 0301-007251 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 Animal House Veterinary Clinic, Stafford, Virginia ("Animal House").

2. Dr. Donohue violated § 54.1-3807 (5) and (6) of the Code and 18 VAC 150-20-140 (7) of the Regulations of the Board of Veterinary Medicine and Term #6 of the Order of the Board entered October 25, 2004 ("Board Order"), which required that he enter into a Participation Contract

with the Health Practitioners' Intervention Program ("HPIP") and agree to undergo any and all evaluations deemed necessary and follow whatever recommendations made by HPIP. On January 31, 2005, Dr. Donohue was dismissed from HPIP based upon his failure to comply with the terms and conditions of his Participation Contract. Specifically:

- a. On November 13, 2004, Dr. Donohue signed a Participation Contract with HPIP. Condition #2 of the Participation Contract required Dr. Donohue to undergo "any evaluations that may be recommended by HPIP including mental health, medical, or other as determined appropriate by the contractor." Condition #5 of the Participation Contract required Dr. Donohue to "agree to refrain from practice of any health profession if so requested by the HPIP staff."
- b. During Dr. Donohue's entry evaluation on or about December 2, 2004, Dr. Donohue was requested to submit to an unannounced urine screen. The urine drug screen returned a positive result for Oxazepam, a Schedule IV controlled substance.
- c. HPIP staff requested Dr. Donohue submit to an additional formal evaluation. Based upon this evaluation, HPIP determined that to provide accurate and reliable assistance to Dr. Donohue, he would require an occupational competency examination, a neurological examination, continued urine drug screen monitoring and to refrain from professional practice until approved to return to work. On January 17, 2005, and again on January 19, 2005, the HPIP staff requested that Dr. Donohue refrain from practicing. Dr. Donohue was dismissed from HPIP on or about January 31, 2005.

d. HPIP reported Dr. Donohue's Global Assessment of Functioning level was sixty-five during a December 2004 evaluation.

3. Pursuant to Term 2(a) of the Board's Order, Dr. Donohue's practice was the subject of an unannounced inspection on February 3, 2005. The following deficiencies were identified:

a. Dr. Donohue violated § 54.1-3807 (5) of the Code, and 18 V AC 150-20-140 (6) and (7) and 18 V AC 150-20-200 (A) (3) (b) (1) of the Regulations of the Board of Veterinary Medicine, in that eight out of ten radiograph labels were not readable.

b. Dr. Donohue violated § 54.1-3807 (5) of the Code, and 18 V AC 150-20-140(6) and (7) and 18 VAC 150-20-190 (I) of the Regulations of the Board of Veterinary Medicine, in that Biennial Inventories taken on or about April 24, 2004 and on or about August 7, 2004, did not indicate if taken before or after close of business.

c. Dr. Donohue violated § 54.1-3807 (3) and (5) of the Code, and 18 VAC 150-20-140 (6) and (7) and 18 V AC 150-20-190 (G) (4) of the Regulations of the Board of Veterinary Medicine, in that the drug distribution log does not include the identity of the veterinarian authorizing the administration or dispensing of the drug.

4. Dr. Donohue violated § 54.1-3807 (3), (4) and (5), § 54.1-3303 (A) and § 54.1-3404 (A), § 54.1-3408 of the Code, and 18 V AC 150-20-140 (6) and (7) and 18 V AC 150-20-190 (A) and (H) of the Regulations of the Board of Veterinary Medicine, in that between June 16, 2003 and September 9, 2004, he ordered medications for his personal use through his veterinary practice and from his veterinary practice's wholesale suppliers. The invoices for and documentation

of these medications were not maintained on the premises of his practice. Specifically, Dr. Donohue ordered Glyburide, a Schedule VI controlled substance, for treatment of his diabetic condition and five hundred (500) Diazepam 5 milligram tablets, a Schedule IV controlled substance. The invoice and dispensing of the Diazepam was not included in the practice's Biennial Inventory or distribution logs.

5. On or about March 3, 2005, Dr. Donohue reentered HPIP and executed a new Participation Contract. Term 2 of the Participation Contract requires Dr. Donohue agree to submit to recommended evaluations. Term 5 of the Participation Contract requires Dr. Donohue "to refrain from practice of any health profession until ... authorized to practice by the HPIP staff."

6. During February and March 2005, Dr. Donohue underwent neurological reviews and evaluations, to include an EEG and MRI, with a practitioner certified in neurology. A review of these submissions indicate that Dr. Donohue suffers no significant neurological impairment.

7. Dr. Donohue is scheduled for examination in the "Species Specific Examination for Companion Animals in Veterinary Medicine," to be administered and monitored by staff for the Board, on April 5, 2005. The results of this examination are to be provided to the Board and HPIP.

CONSENT

I, Brian T. Donohue, D.V.M., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by Antonio Q. L. Rhodes, Attorney-at-Law;

2. I am fully aware that without his consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, §2.2-4000A et seq. of the Code;
3. I have the following rights, among others:
 - a. the right to a formal administrative hearing before the Board;
 - b. the right to representation by counsel; and
 - c. the right to cross-examine witnesses against me;
4. I waive all rights to an formal administrative hearing;
5. I admit the truth of the above Findings of Fact and Conclusions of Law; and
6. I consent to the following Order affecting my 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. Brian T. Donohue, D.V.M., be, and hereby is, REINSTATED on INDEFINITE PROBATION and subject to the following terms and conditions.
2. Dr. Donohue shall remain in compliance with the terms of his Participation Contract with HPIP. Specifically, Dr. Donohue shall abide by decisions of HPIP related to the resumption of, or cessation from, professional practice. A failure to comply with requests by HPIP to refrain from the practice of veterinary medicine will result in the REVOCATION of Dr. Donohue's license. Dr. Donohue shall maintain authorization necessary for the results of all evaluations to be forwarded to the Board.

3. Dr. Donohue's practice will be subject to two (2) unannounced inspections within twenty-four (24) months of his resuming the practice of veterinary medicine. These inspections will include a review of at least ten (10) patient records and radiographs per inspection.

4. Dr. Donohue 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 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 (\$1,000.00). Failure to pay the fee in full plus the additional assessment 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.

5. Dr. Donohue will refrain from administering or ordering any controlled substance for personal use. Any and all controlled substance utilized by Dr. Donohue for personal use will be obtained within the constraints of his HPIP contracts and only through authorized prescriptions from another healthcare professional. Dr. Donohue shall not fill or receive controlled substances obtained through authorized prescriptions from another healthcare provider through internet-based pharmacies or through mail-order pharmacy services.

6. Dr. Donohue will refrain from obtaining or providing any controlled substances obtained through his veterinary practice or through his DEA registration for human use.

7. Pursuant to the Board Order entered October 25, 2004, Dr. Donohue shall enroll in and successfully complete not less than six (6) hours continuing education in record keeping by November 22, 2004. Prior to registration, Dr. Donohue shall submit to the Board syllabus or course outline and receive approval from the Board for said course. Such requests for approval shall be submitted to the Board at least fifteen (15) days before the beginning of said course. These continuing education hours shall be completed through face-to-face, interactive sessions (i.e., no home study, journal or Internet courses). Further, Dr. Donohue shall submit documentation to the Board of satisfactory completion of these six (6) hours of continuing education. These hours shall be in addition to the fifteen (15) continuing education hours required for renewal of his license.


8. Dr. Donohue shall take and pass the species specific examination for companion animals administered through the National Board of Veterinary Medical Examiners ("NBVME"). Dr. Donohue shall obtain a passing score as determined by NBVME.

9. Dr. Donohue 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 Dr. Donohue and an administrative proceeding shall be convened to determine whether Dr. Donohue 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: April 5, 2005

SEEN AND AGREED TO:

Brian T. Donohue
Brian Donohue, D.V.M.


COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF STAFFORD

Subscribed and sworn to before me, a Notary Public in and for the city/county of STAFFORD, this 1st day of April, 2005, by BRIAN T Donohue D.V.M.

Wanda C. Y. Neal
Notary Public
My Commission Expires: 2-28-06

Certificate of Service

I hereby certify that a true copy of the foregoing Consent Order was mailed to Dr. Brian Donohue, D.V.M., at Stafford, Virginia 22554, on the 5th day of April, 2005.



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

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE: BRIAN T. DONOHUE, D.V.M.
License No: 0301-007251

ORDER OF SUMMARY SUSPENSION

Pursuant to § 54.1-110 of the Code of Virginia (1950), as amended ("Code"), a quorum of the Board of Veterinary Medicine ("Board") met on February 16, 2005, by telephone conference call after a good faith effort to convene a regular meeting of the Board had failed. The purpose of the meeting was to receive and act upon certain information indicating that Brian T. Donohue, D.V.M., may have violated certain laws and regulations relating to the practice of veterinary medicine in the Commonwealth of Virginia, as more fully set forth in the Statement of Particulars, which is attached hereto and incorporated by reference herein.

WHEREUPON, pursuant to its authority under § 54.1-2408.1 of the Code, the Board concludes that a substantial danger to public health or safety warrants this action and ORDERS that the license of Brian T. Donohue, D.V.M., to practice veterinary medicine in the Commonwealth of Virginia be, and hereby is, SUSPENDED. It is further ORDERED that a hearing be convened forthwith to receive and act upon evidence in this cause, and that the Executive Director of the Board shall be authorized to execute this Order and all other documents, notices and Orders on behalf of the Board necessary to bring this matter to hearing.

Upon entry of this Order of Summary Suspension, the license of Brian T. Donohue, D.V.M., will be recorded as suspended and no longer current.

Pursuant to § 2.2-4023 and § 54.1-2400.2 F of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



Elizabeth Carter, Ph.D.

Executive Director

Entered: Apr 22, 2005