



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

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October 28, 2005

Certified Article Number

7160 3901 9848 3153 5201

SENDER'S 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 October 20, 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.

Susan Beasecker, with the Compliance Division, will be contacting you to go over the terms of the Order with you.

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, Senior Inspector
Susan Beasecker, Compliance
Committee members

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE: JAMES D. CARTER, D.V.M.
License No.: 0301-002846
Complaint No.: 100951 & 104112

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 Henry McKelvin, D.V.M., and John T. Wise, D.V.M., met with James D. Carter, D.V.M., on October 20, 2005, in Henrico County, Virginia. Dr. Carter was present and was not represented by counsel. The purpose of the informal conference was to review Dr. Carter's compliance with the terms and conditions imposed upon his license to practice veterinary medicine in Virginia, as set forth in an Order of the Board entered January 6, 2005, ("Board's Order") and to receive and act upon evidence concerning the allegations in the Notice of Informal Conference dated September 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 ("VIC") at Old Dominion Veterinary Clinic, Troutville, Virginia, at all times material to the findings below.
2. Dr. Carter violated § 54.1-3404.E and §54.1-3807(4) and (5) of the Code, as further defined in 18VAC150-20-140(6) and 18VAC150-20-190.D(2) of the Regulations of the Board of

Veterinary Medicine (“Regulations”), in that he failed to report the theft of controlled substances that occurred on or about December 13, 2004, to the Board. The missing substances included approximately 71 ml of Ketajet (ketamine, Schedule III), 95 tablets of diazepam (Schedule IV), and 8 ml of buprenorphine (Schedule V).

3. Dr. Carter violated §54.1-3807(5) of the Code, as further defined in 18VAC150-20-140(6) and 18VAC150-20-190.D(1) of the Regulations, in that he failed to maintain his controlled substances stock in such a manner as to prevent diversion. The key to the drug box was maintained in close proximity to the drug box in an unsecured drawer. Additionally, an inventory revealed that approximately 18 containers of Ketajet were missing.

4. Dr. Carter violated § 54.1-3408.01, § 54.1-3409, and §54.1-3807(4) and (5) of the Code, as further defined in 18VAC150-20-140(6) and 18VAC150-20-190.C of the Regulations, in that a prepared medication label lacked the name of the prescribing veterinarian.

5. Dr. Carter violated § 54.1-3807(5) of the Code, as further defined in 18VAC150-20-140(6) and 18VAC150-20-200.A.3(b)(1) of the Regulations, in that two (2) of five (5) radiographs reviewed lacked permanently imprinted information, including the identity of the facility or veterinarian, the patient, and the date of exposure.

6. Dr. Carter violated § 54.1-3806.1 and § 54.1-3807 (5) of the Code, as further defined in 18VAC150-20-140(6) of the Regulations, in that your form used to disclose the hours when continuous medical care is not provided is not separate and apart from other information provided by your practice.

7. Dr. Carter violated Term #4 of the Order, in that you violated statutes and regulations governing the practice of veterinary medicine, as evidenced in # 1-5 above.

8. Dr. Carter admitted to the Committee that he suffered from a stroke in March 1999, and that he has some residual numbness and tingling in his right arm and leg, and some speech difficulties.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that James D. Carter, D.V.M., be, and hereby is, released from the remaining terms of the Orders of the Board entered January 6, 2005, and June 2, 2005. Further, it is hereby ORDERED that James D. Carter, D.V.M., be, and hereby is, placed on PROBATION subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall end upon completion of two (2) years of employment as a veterinarian. The license shall be reinstated without restriction at the completion of the probationary period without a hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4024 et seq. of the Code.

2. Dr. Carter's veterinary practice shall be subject to two (2) unannounced inspections, one per year, for two years from the date this Order becomes final. 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 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.

3. Dr. Carter shall have neurological, psychological, and physical evaluations done at his own expense by specialists satisfactory to the Board and shall have a written report of each evaluation, including diagnosis, recommended course of therapy, prognosis, and any recommendation sent to the Board within thirty days of completion of each evaluation. Dr. Carter shall submit the name and curriculum vitae of a practitioner for approval by the Board. Upon approval, Dr. Carter shall advise the Board when he has made an appointment and shall await authorization from the Board before seeing the practitioner. The Board will provide a copy of any materials deemed necessary to assist the practitioner. Upon Board review, the Board reserves the right to reconvene the informal conference.

4. Dr. Carter shall comply with the recommendations of the specialists, if any. If therapy is recommended, quarterly written progress reports by the therapist shall be sent to the Board quarterly by the last day of the months of March, June, September and December, until the period of probation ends or her is discharged from treatment. Dr. Carter is fully responsible for ensuring that required reports are properly submitted and received by the Board in a timely manner until discharged from treatment. The Board may provide the therapist with a copy of this Order and communicate with the therapist concerning his progress. The therapist will provide a written discharge summary to the Board

within thirty (30) days of termination of treatment. The therapist shall provide written notification immediately if he withdraws from treatment prior to discharge.

5. Dr. Carter shall execute an authorization allowing for free communication between the Board and any evaluating practitioner.

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

7. Upon the date this Order becomes final, Dr. Carter shall relinquish his role as VIC of Old Dominion Veterinary Clinic.

8. 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:



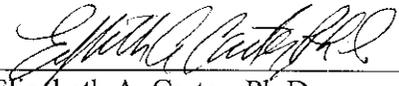
Elizabeth A. Carter, Ph.D.
Executive Director

ENTERED: October 25, 2005

James D. Carter, D.V.M.

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 28th day of October, 2005.



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