

COMMONWEALTH of VIRGINIA

Robert A. Nebiker Director

Department of Health Professions 6603 West Broad Street, 5th Floor Richmond, Virginia 23230-1712 www.dhp.virginia.gov TEL (804) 662-9900 FAX (804) 662-9943 TDD (804) 662-7197

October 28, 2005

Vikki L. McLawhorn, DVM 3087 Burrland Lane The Plains, VA 20198

RE: Order of the Special Conference Committee

Dear Dr. McLawhorn:

Enclosed is a <u>Copy Teste</u> 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

Addison Hurst, Regional Manager, NOVA

Susan Beasecker, Compliance

Peggy Call, Program Coordinator, HPIP

Michael Goodman, Esq.

Committee members

Board of Audiology & Speech - Language Pathology - Board of Dentistry - Board of Funeral Directors & Embalmers - Board of Medicine - Board of Nursing

Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling

Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine

Board of Health Professions

VIRGINIA:

BEFORE THE BOARD OF VETERINARY MEDICINE

IN RE:

VIKKI LYNN McLAWHORN, D.V.M.

License No.: 0301-200954 Complaint No.: 102611

<u>ORDER</u>

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 John T. Wise, D.V.M., and George H. Siemering,

D.V.M., met with Vikki Lynn McLawhorn, D.V.M., on October 20, 2005, in Henrico County, Virginia.

Dr. McLawhorn was present and was represented by Michael L. Goodman, Esquire. The purpose of

the informal conference was to review her compliance with the terms and conditions imposed upon her

license to practice veterinary medicine in Virginia, as set forth in an Order of the Board entered June

11, 2003, ("Board's Order") and to receive and act upon evidence concerning the allegations in the

Amended Notice of Informal Conference dated August 9, 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. Vikki Lynn McLawhorn, D.V.M., holds license number 0301-200954, which was

issued by the Virginia Board of Veterinary Medicine on April 8, 2003. Said license will expire on

December 31, 2005, unless renewed. Dr. McLawhorn was a staff veterinarian at Blue Ridge

Veterinary Associates, Inc. ("Blueridge"), Purcellville, Virginia, at all times material to the findings

below.

- 2. Dr. McLawhorn violated Term # 2 of the Board's Order in that she failed to comply with the terms of her contract with the Health Practitioners' Intervention Program ("HPIP"). Specifically, on May 26, 2005, the Board received a Report of Noncompliance from HPIP which stated that Dr. McLawhorn admitted to taking hydromorphone (Schedule II) for personal use. Additionally, she failed to abstain from using alcohol as required by her Recovery Monitoring Contract signed March 13, 2003.
- 3. Dr. McLawhorn violated Term # 3 of the Board's Order in that she failed to notify the Board immediately upon her receipt of notification from HPIP that she was out of compliance with her contract.
- 4. Dr. McLawhorn violated Term # 4 of the Board's Order and § 54.1-3807(3), (5) and (6) of the Code, as further defined in 18VAC150-20-140(6) and (7) of the Regulations of the Board of Veterinary Medicine ("Regulations"), in that she was impaired while on duty. Dr. McLawhorn stated to the office manager at Blue Ridge that, on or about April 21, 2005, she diverted and used Dilaudid (hydromorphone, Schedule II).
- 5. Dr. McLawhorn violated §§ 54.1-3408.A, 54.1-3809, and 54.1-3807(3), (4), and (5) of the Code, as further defined in and 18VAC150-20-170(6) and 18VAC150-20-190.A of the Regulations, in that, on or about April 21, 2005, she diverted and self-administered Dilaudid while at Blueridge.
- Dr. McLawhorn completed an intensive three-month treatment in July 2006 with the Farley Center in Williamsburg, Virginia.
- 7. After her release from the Farley Center, Dr. McLawhorn suffered a relapse, and she states her new sobriety date is August 19, 2005.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Vikki Lynn McLawhorn, 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 her HPIP contracts and all addenda thereto and upon her release by the HPIP.
- 2. Dr. McLawhorn shall comply with all terms and conditions for the period specified by the HPIP. She shall immediately report any changes to her Recovery Monitoring Contract. She shall be noticed to appear before a Committee at such time as the Board is notified that:
 - a. She is not in compliance with the terms and conditions specified by the HPIP;
 - b. She has been terminated from participation in the HPIP; or
 - c. There is a pending investigation or unresolved allegations against her involving a violation of law, regulation or any term or condition of this Order.
- 3. All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than thirty (30) days following the date that this Order is final. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December, until the period of probation ends. Dr. McLawhorn is fully responsible for ensuring that required reports are properly submitted and received by the Board in a timely manner.
- 4. Dr. McLawhorn shall submit quarterly self-reports which must include her current address and current employment, if any, as set forth in term number 3.
- 5. Upon her employment as a veterinarian, Dr. McLawhorn shall direct her employer to provide a written quarterly job performance evaluation to the Board as set forth in term number 3.

- 6. Dr. McLawhorn shall inform the Board in writing within ten (10) days of the date she resumes veterinary practice, and she shall provide the Board with the name and address of the employer. She shall inform the Board in writing within ten (10) days of any change of employment or any interruption in veterinary practice.
- 7. Dr. McLawhorn shall maintain a course of conduct in her 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 Vikki Lynn McLawhorn, D.V.M., and an administrative proceeding shall be convened to determine whether Dr. McLawhorn'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.

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.

Vikki Lynn McLawhorn, D.V.M.

FOR THE BOARD:

Elizabeth A. Carter, Ph.D.

Executive Director

ENTERED: / She 28 XUS

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed to Vikki Lynn McLawhorn, D.V.M., at 3097 Burrland Lane, The Plains, Virginia 20198 on the 2500 day of 6000 day.

Elizabeth A. Carter, Ph.D.

Executive Director

Board of Veterinary Medicine