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BEFORE THE KANSAS BOARD OF VETERINARY EXAMINERS

In The Matter Of)
)
BARBARA A. KOLDE, D.V.M.,)
License [REDACTED])
Respondent)

Case No. 18024

Pursuant to K.S.A. 77-501, *et seq.* [KAPA]

EMERGENCY PROCEEDING ORDER OF SUSPENSION

SUMMARY OF CASE

The Kansas Board of Veterinary Examiners [Board, KBVE] received information sufficient to cause a reasonably prudent person to believe that Respondent Barbara A. Kolde, D.V.M., currently represents a danger to the health, safety and welfare of the general public based upon reliable evidence.

This Emergency Proceeding Order, issued pursuant to the Kansas Administrative Procedure Act [KAPA], K.S.A. 77-536, temporarily suspends Respondent's Kansas Veterinary License until further Order of the Board or Order of the District Court.

FINDINGS OF FACT

1. Barbara A. Kolde, D.V.M., ("Respondent") is and was at all times relevant hereto licensed by the Board to practice veterinary medicine in Kansas pursuant to the Kansas Veterinary Practice Act, K.S.A. 47-815, *et seq.* and amendments thereto. Respondent currently holds veterinary license number [REDACTED], which is scheduled to expire June 30, 2019.



2. Respondent is presently actively practicing veterinary medicine, and practicing at the Kolde Veterinary Services, in Manhattan, Kansas. Kolde Veterinary Services, premise registration number 1598, is currently registered with the Board.

3. The Board received a complaint that Respondent may be in violation of the Kansas Veterinary Practice Act, in that Respondent has failed to keep adequate vaccination records.

4. The complaint included a rabies vaccination certificate that had an owner's name, but the name was scratched out prior to being mailed to the owner. In addition, initially a predominant breed had been handwritten into the section, but then it was crossed out with another breed written into this section. Also, the name of the dog originally was listed as Jake, which is then crossed out and the name Greta was written in this section. The product name, manufacturer, and the vaccine serial (lot) number is missing from the rabies vaccination certificate. Additionally, the certificate does not contain the rabies tag number.

5. On or about July 13, 2018, Matthew Provencher, Investigator for the Board, and Konrad Coe, Inspector for to the Board, went to Kolde Veterinary Services.

6. Shortly after their arrival, Respondent exited an examination room, and greeted Investigator Provencher and Inspector Coe in the lobby area.

7. When greeting Respondent, Investigator Provencher immediately detected a strong odor of alcohol emanating from Respondent. He further noted that her eyes were bloodshot and glassy, and that Respondent's motor skills lacked coordination, and she was slow and lethargic.

8. When greeting Respondent, Inspector Coe immediately could smell a strong odor of alcohol on Respondent's breath. Additionally, Inspector Coe noted that her motor functions were impaired.

9. Investigator Provencher did ask Respondent if she had anything to drink that day, and Respondent denied having consumed any alcohol that day. Respondent asked Investigator Provencher why he asked her that question, and he told her that he noticed the odor of alcohol on Respondent. Respondent did admit that she had consumed alcohol the previous night.

10. Respondent was asked to provide the medical records associated with the rabies vaccination referenced in Paragraph 4. Respondent left the room on several occasions in attempt to locate the medical records. Further, Respondent repeatedly asked the date on the rabies vaccination certificate. Respondent was not able to locate any information that correlated with the rabies vaccination certificate.

11. A review of two (2) patient medical records found inadequate information listed in the patient records.

12. An inspection of the veterinary premises was conducted. Numerous deficiencies were found during this inspection. The sanitary conditions of Kolde Veterinary Services failed to meet the minimum standards as established by rules and regulations. Specifically:

- a. The clinic room was very disorganized, with paper and boxes on the counters and floors. The areas that were exposed were dirty and unsanitary.
- b. There were four (4) uncapped, used hypodermic needles/syringes in the exam/surgery room that were not disposed of properly. One (1) needle/syringe was stuck into the wall and was hold up a piece of paper. The other three (3) needle/syringes were lying uncapped on various counter tops in the exam/surgery room. There was also a needle stuck into the wall that was holding up a piece of paper in the exam/surgery room.
- c. The examination table had hair and dried residue on the surface of the table, and appeared to have not been cleaned after that last patient.

d. There were multiple flies landing on surfaces in the exam/surgery area, and Respondent was repeatedly attempting to swat them with a fly swatter.

13. Respondent did meet with a client at the clinic after conclusion of the interview and inspection.

CONCLUSIONS OF LAW

14. The Executive Director of the Board, on behalf of the Board, has reviewed the information related to the above charges and the relevant Kansas statutes, including but not limited to K.S.A. 47-830 and K.S.A. 77-536.

15. The Board's mission is to promote the public health, safety and welfare relative to the practice of veterinary medicine.

16. Pursuant to K.S.A. 47-846(c) "Impaired veterinarian" means a veterinarian who is unable to practice veterinary medicine with reasonable skill and safety due to physical or mental disabilities, including deterioration through the aging process, loss of motor skill or abuse of drugs or alcohol.

17. Pursuant to K.S.A. 47-848(d) if the Board has reasonable cause to believe that a veterinarian is impaired, the Board may cause an evaluation of such veterinarian to be conducted by the impaired veterinarian committee or its designee for the purpose of determining if there is an impairment.

18. The Kansas Board of Veterinary Examiners concludes that a preponderance of evidence establishes that Respondent has the present inability to practice veterinary medicine safely as evidenced that Respondent may be an impaired veterinarian as defined in K.S.A. 47-846(c).

19. Licensee retains her Kansas veterinary license.

20. The Board concludes that a preponderance of evidence establishes that based upon the information available to this time, the Board is unable to assure the public that Respondent is safe to practice veterinary medicine. The Board finds that continued clinical practice creates an immediate risk of harm to the public health, safety or welfare that can be prevented or avoided only through emergency proceedings and until such time as Respondent completes an independent multidisciplinary forensic evaluation as contemplated by K.S.A. 47-848(d).


21. Proceedings under the Kansas Veterinary Practice Act are subject to the Kansas Administrative Procedure Act, K.S.A. 77-501, *et seq.* K.S.A. 77-536 provides that the Board may employ emergency proceedings when a situation poses an immediate danger to the public health, safety or welfare.

22. The Board is authorized to take disciplinary action against licensed veterinarians, including suspension or revocation of the license for violations of the Kansas Veterinary Practice Act.

23. The Board has jurisdiction over Respondent by virtue of her Kansas veterinary license. The Board has been charged by the Legislature with the responsibility to protect the public health, safety and welfare assuring the current fitness to practice of its licensees.

WHEREFORE, the Kansas Board of Veterinary Examiners hereby orders the following: Respondent Barbara A. Kolde's Kansas veterinary license shall be immediately suspended subject to further proceedings pursuant to the Kansas Judicial Review Act, K.S.A. 77-601, *et seq.*, or further Order of the Board.

IT IS SO ORDERED on this 23rd day of July, 2018.


Jay Hedrick, Executive Director
Kansas Board of Veterinary Examiners
On behalf of the Board

RELIEF FROM THIS EMERGENCY PROCEEDING ORDER

Pursuant to KSA 77-536, this Emergency Proceeding Order is effective when rendered. Notice has been provided to all persons who are required to comply with the order. To appeal this Emergency Proceeding Order, a Petition for Judicial Review must be filed within thirty days pursuant to the terms of the Kansas Judicial Review Act, KSA 77-601, *et seq.*, and a copy of the Petition served upon:

Jay Hedrick, Executive Director
Kansas Board of Veterinary Examiners
P.O. Box 379
Wamego, KS 66547

CERTIFICATE OF SERVICE

This is to certify that on this 24th day of July, 2018, a true and correct copy of the above and foregoing Emergency Proceeding Order of Suspension was deposited in the U.S. mail, first class postage prepaid, addressed to:

Barbara A. Kolde, D.V.M.



By hand-delivery to:

Barbara A. Kolde, D.V.M.
3570 Scottie Lane
Manhattan, Kansas 66502

and by email to: jane.weiler@ag.ks.gov

Jane E. Weiler, Esq.
Assistant Attorney General

Matthew Provencher
For the Board