

BEFORE THE KANSAS BOARD OF VETERINARY EXAMINERS

FILED

IN THE MATTER)

OF)

KALYN M. WHITE, DVM)

Case No. 18032

License Number: [REDACTED])

Respondent)

MAR 18 2019
KANSAS BOARD OF
VETERINARY EXAMINERS

Pursuant to K.S.A. Chapter 77

CONSENT AGREEMENT AND FINAL ORDER

NOW ON THIS 12th day of March, 2019, the above captioned matter comes before the Kansas Board of Veterinary Examiners ("Board"), by agreement with Kalyn M. White, D.V.M. ("Respondent"), for the purpose of resolving the above captioned matter.

The parties knowingly and voluntarily agree as follows:

1. Respondent is and was at all times relevant to this matter licensed by the Board to practice veterinary medicine in Kansas pursuant to K.S.A. 47-817 *et seq.*, and amendments thereto. Board records reflect that the Respondent was issued veterinary license number [REDACTED] on or about January 12, 2018. The Respondent's license to practice veterinary medicine in Kansas is current and will expire on June 30, 2019.

Case 18030

2. On or about October 2, 2018, information was received by the Board indicating that the Respondent may have violated certain provisions of the Kansas Veterinary Practice Act or the Kansas Administrative Regulations governing the practice of veterinary medicine in Kansas. A subsequent investigation revealed the following facts to be established by a preponderance of evidence:

- a. On September 7, 2018, at approximately 5:30 P.m., [REDACTED] and [REDACTED] brought a dog, Snyder, to Respondent after finding Snyder injured. Snyder was staying at the house of [REDACTED]. [REDACTED] was pet sitting the dog. Snyder was an eight-month old Pitbull mix. [REDACTED] also owns two (2) other Pitbull mixes, and they were also in the home when Snyder stayed with [REDACTED].
- b. [REDACTED] found Snyder laying on the carpet behind some furniture. There was blood and vomit in this same area. It was unknown how long Snyder had been injured. [REDACTED] called [REDACTED], and they took Snyder to Stone House Animal Hospital.
- c. At approximately 6:07 p.m., Respondent evaluated Snyder. In addition, Respondent administered Butorphanol to Snyder.
- d. Respondent noted that Snyder had multifocal puncture wounds, lacerations, and abrasions to his face, muzzle, cranium, neck, thoracic limbs, and rostral dorsum. She

also noted that the largest laceration was on the ventral neck. There was some mild seepage of blood noted during the examination. It was unknown the amount of blood loss that had occurred prior to the hospitalization.

- e. Respondent discussed with [REDACTED] that she had concerns for a crush injury in the neck based upon the majority of lacerations and puncture wounds. Respondent also told them that she recommended Snyder be hospitalized for bloodwork, radiographs, placement of drain in the largest wound on the neck under anesthesia and monitoring overnight.
- f. Additionally, Respondent discussed that she would be having diagnostics performed and treatments completed between her seeing other patients. Respondent did not discuss with [REDACTED] and [REDACTED] the possibility of transferring Snyder to another emergency facility due to the high number of walk-in patients.
- g. At approximately 6:39 p.m., Respondent administered Buprenorphine to Snyder. Respondent documented that Snyder received an antibiotic injection. However, no antibiotic medication is included in the medical records, nor is an antibiotic charged to Snyder.
- h. At approximately 8:09 p.m., bloodwork was completed on Snyder.
- i. At approximately 9:38 p.m., Respondent administered Dexmedetomidine to Snyder. Snyder was not intubated at this time. At this time, an IV was started on Snyder.
- j. Shortly thereafter, Respondent completed radiographs of Snyder. Respondent noted a small tracheal tear on the lateral view of the radiographs. Respondent also noted subcutaneous emphysema of the thoracic limbs.
- k. At approximately 10:30 p.m., Respondent initiated placement of a penrose drain into Snyder's neck wound. For this procedure, Respondent administered anesthesia via mask with isoflurane. This procedure ended approximately 10:35 p.m.
- l. At approximately 10:45 p.m., Snyder's heart stopped. The resuscitation efforts of Respondent were unsuccessful.

APPLICABLE LAW

3. K.S.A. 47-816(h)(1): Practice of veterinary medicine means, "To diagnose, treat, correct, change, relieve, or prevent animal disease, deformity, defect, injury or other physical or mental condition; including the prescription or administration of any drug, medicine, biologic, apparatus, application, anesthesia or other therapeutic or diagnostic substance or technique on any animal including but not limited to acupuncture, surgical or dental operations, animal psychology, animal chiropractic, theriogenology, surgery, including cosmetic surgery, any manual, mechanical, biological or chemical procedure for testing for pregnancy or for correcting sterility or infertility or to render service or recommendations with regard to any of the above and all other branches of veterinary medicine."

4. K.S.A. 47-830(o)(4): The Board, in accordance with the provisions of the Kansas Administrative Procedure Act, may refuse to issue a license, revoke, suspend, limit, condition, reprimand or restrict a license to practice veterinary medicine or an institutional license for violation of or attempting to violate, directly or indirectly, any provision of the Kansas Veterinary Practice Act or any rules and regulations adopted pursuant to such act. Specifically,

K.A.R. 70-8-1(b): ...[D]emonstrating a ... careless disregard for the health, welfare, or safety of a patient. See K.A.R. 70-8-1(b).

~~5. K.S.A. 47-842: In addition to the board's authority to refuse licensure or impose discipline pursuant to K.S.A. 47-830, and amendments thereto, the board shall have the authority to assess a fine not in excess of \$5,000 against a licensee for each of the causes specified in K.S.A. 47-830, and amendments thereto. Such fine may be assessed in lieu of or in addition to such discipline. The proceedings under this act shall be conducted in accordance with the Kansas Administrative Procedure Act, and the board shall have all the powers granted therein.~~

6. Respondent and the Board mutually desire to enter into this Consent Agreement and Final Order in lieu of further summary and adjudicative proceedings.

7. Respondent understands that by entering into this Consent Agreement and Final Order Respondent waives all rights to further adjudication of facts and law that could be determined pursuant to summary proceedings or a hearing conducted in accordance with the Kansas Administrative Procedures Act, K.S.A. 77-501 *et seq.* in relation to Case No. 18032.

8. Respondent waives the right to file a motion for reconsideration and all rights of appeal pursuant to the Kansas Act for Judicial Review, K.S.A. 77-601 *et seq.* in relation to Case No. 18032.

9. The Board accepts Respondent's waiver of rights and stipulations.

ORDER

WHEREFORE, the Board finds that Respondent is in violation of K.S.A. 47-830(o)(4), as defined in K.A.R. 70-8-1(b), in that Respondent failed to appropriately address the care of Snyder. In this case, Respondent noted that Snyder may have a crush injury in the neck based upon the majority of lacerations and puncture wounds to that area. However, Respondent did not consider initiating treatments sooner to Snyder, or offering to the family to option to transfer Snyder for more timely treatment. Additionally, Respondent did not timely complete radiographs to determine if Snyder sustained any structural injury related to the attack.

NOW THEREFORE, Respondent consents to the following terms and conditions, and the Board orders that:

10. Respondent shall successfully complete the on-line continuing education course titled, "Triage & Resuscitation I: Initial Assessment, ATT & mGCS Score, Initial Treatment (IVF, O2, Analgesics)" offered by the School of Veterinary Medicine, University of Wisconsin-Madison, available at:

https://ce.vetmed.wisc.edu/Emergency_and_Critical_Care_-_Tantalizing_Trauma_Topics/204829

11. Further, Respondent shall successfully complete the on-line continuing education course titled, "Thoracic & Abdominal Trauma" offered by the School of Veterinary Medicine, University of Wisconsin-Madison, available at:

~~[https://ce.vetmed.wisc.edu/Emergency-and-Critical-Care--
Tantalizing Trauma Topics/204830](https://ce.vetmed.wisc.edu/Emergency-and-Critical-Care--Tantalizing_Trauma_Topics/204830)~~

12. All foreseen and unforeseen expenses to complete the aforementioned course including travel, lodging, program fee, meals, etc., shall be at Respondent's own expense.

13. These hours shall be in addition to those continuing education hours required for renewal of license.

14. Respondent shall all submit to the Board at its offices located at P.O. Box 379, Wamego, Kansas, 66547, the documents evidencing completion of the requirements required by this Consent Agreement and Final Order.

15. After completion of the actions set out in the Consent Agreement and Final Order, Respondent will have no remaining obligations to the Board in relation to this case. However, Respondent may be subject to further enforcement action if Respondent fails to comply with the terms, conditions, and requirements imposed by this Consent Agreement and Final Order.

16. The matters referred to in this Consent Agreement and Final Order shall not be grounds for future action against Respondent, except the extent that that such matters may be relevant for future disciplinary or licensure proceedings in the Board's consideration of the factors identified in K.S.A. 47-829 [Licenses; expiration; renewal; continuing education requirements], and K.S.A. 47-830 [Grounds for refusal to issue or revocation or suspension of license or other restriction], for establishing rehabilitation or a pattern of conduct.

17. Except as provided in paragraph 16, this Consent Agreement and Final Order shall operate as a complete release of all claims the parties may have against each other pending before the Board and arising out of the Board's investigation of these matters. Respondent agrees not to file, or cause to be filed, any litigation or claims in any federal or state court of law or federal or state administrative agency against the Board, its agents, Board members, or employees, individually or in their official capacity. Such litigation or claims include, but are not limited to, any K.S.A. Chapter 60 or Chapter 61 civil action regarding negligence and/or a 42 United States Code action and/or any administrative petition for redress. Respondent agrees that all actions in this matter were a bona fide use of administrative discretion on the part of the Board, its members, and employees, which is a statutory exception to liability within the Kansas Tort Claims Act, K.S.A. 75-6104(b), (c) or (e).

18. Respondent agrees that this Consent Agreement and Final Order conforms to Kansas and federal law and that the Board has jurisdiction to enter into it and enter the Final Order provided for herein.

19. Respondent understands that a notification of this Consent Agreement and Final Order

shall be provided to any other state licensing board or entity if Respondent is also licensed, registered or certified in another state.

~~20. This Consent Agreement and Final Order shall be a public record in the custody of the Board. Additionally, this Consent Agreement and Final Order may be made know to the public by publication in the Board's newsletter and/or by a press release issued by the Board.~~


21. This Consent Agreement and Final Order constitutes the entire agreement of the parties and may only be modified by order of the Board or by a subsequent writing signed by the parties. The agreement shall be interpreted in accordance with the laws of the State of Kansas.

22. This Consent Agreement and Final Order shall become effective on the date indicated in the Certificate of Service.

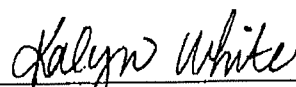
WHEREFORE, the parties consent to these provisions, which are hereby made the Final Order of the Kansas Board of Veterinary Examiners in the above-captioned case.

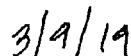
IT IS SO ORDERED.

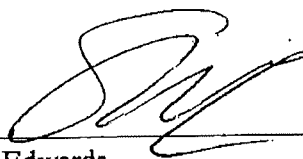
Signed:

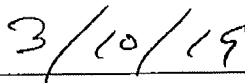

On behalf of the Board of Veterinary Examiners

APPROVED AND CONSENTED TO BY:


Kalyn M. White, D.V.M., Respondent


Date


Sean Edwards
Attorney for Respondent


Date

CERTIFICATE OF SERVICE

This is to certify that on this 18th day of March, 2019, a true and correct copy of the above and foregoing Consent Agreement and Final Order was deposited in the U.S. Mail, first class postage prepaid, addressed to:

Sean Edwards
Sanders Warren Russell & Scheer LLP
9401 Indian Creek Parkway, Suite 1250
Overland Park, Kansas 66210
Attorney for Respondent

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

Jane E. Weiler, No. 25276
Assistant Attorney General
Attorney for the Board

and the original filed with:

The Kansas Board of Veterinary Examiners
PO Box 379
Wamego, KS 66547



For the Kansas Board of Veterinary Examiners