

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,
Complainant,**

v.

Case No. 0915B

**GREGORY EATON, D.V.M.
Veterinarian License Number: 9303
Respondent.**

CONSENT AGREEMENT AND ORDER

Upon receipt and review of a Complaint filed September 30, 2015, against Gregory Eaton (Respondent), the West Virginia Board of Veterinary Medicine found that probable cause existed for violations of the Board's statutory and regulatory provisions of W. Va. Code § 30-10-1 *et seq.* and the Rules of the Board, 26 C.S.R. § 1 *et seq.*, by the Respondent, including an immediate danger to the public pursuant to W. Va. Code R. § 26-2-6.1. As such, the Board immediately suspended the Respondent's license to practice veterinary medicine effective November 24, 2015, and provided the Respondent with written notice of the allegations against him pursuant to the rules of the Board and the laws of this State.

Now, in lieu of hearing, the parties following an Informal Conference held pursuant to W. Va. Code R. § 26-2-5.13, have reached an agreement for the resolution of Case Number 0915B and the parties agree to entry of the following Order in disposition of this matter.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. That Gregory Eaton is a licensee of the Board with license number 9303 and is subject to the license requirements of said Board.
2. The Board is a regulatory board created for the purpose of regulating the practice of veterinary medicine. W. Va. Code § 30-10-1 *et seq.*
3. In order to carry out its regulatory duties, the Board is empowered to suspend, revoke or otherwise discipline an individual's veterinary medicine license because of authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19.
4. That on or about September 30, 2015, the Board received a written complaint from an individual complaining of the treatment that her cat received while in the care of the Respondent.
5. The written complaint alleged that her female cat, Josie, had been taken to Avalon Animal Hospital for a surgical procedure to declaw her.
6. Respondent performed the declawing procedure on September 23, 2015, and the Complainant picked up her cat the next day. She was informed by the Respondent that her cat did not need any pain medications when she inquired about pain medication for her cat.
7. Complainant stated that after picking up her cat she noticed that evening Josie licking her paws. The Complainant examined Josie's paws and noted that one paw appeared in much better condition than the other paw. Moreover, on the left paw she noted that there were several claws left on the paw.

8. The Complainant took her cat to another veterinarian the next day that performed a physical examination confirming that several claws were intact in the left paw. The Complainant's cat was subsequently treated by this veterinarian.

9. The Complainant called the Respondent who offered a full refund, and whose only explanation was the he must have been distracted during surgery. The Respondent further added that it was his first day practicing veterinary medicine after a lengthy absence.

10. Respondent did file a timely response to these allegations, and states as he told the Complainant that it was his first day back after nine month absence, and he must have been distracted during surgery. He further states that he was working with a new technician. As to the pain medication, the Respondent states that Avalon's Animal Hospital policy was not to dispense such pain medication. The Respondent apologized for his error and not catching the error prior to the cat's release the next day.

11. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by majority vote, at its November 19, 2015, Board meeting held via teleconference, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Gregory Eaton. Moreover, the Board determined that pursuant to W. Va. Code R. § 26-2-6.1, that the Respondent's actions constituted an immediate danger to the public and ordered that his license be suspended immediately.

12. That the Respondent's actions constitute, practices or acts in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-4-3.10 and 26-4-4.1.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.
2. That based upon the allegations of unprofessional or unethical conduct set out above in the *Findings of Fact* section, the Board is authorized to suspend, revoke or otherwise restrict the license of the Respondent to practice veterinary medicine, pursuant to W. Va. Code § 30-10-19.
3. That the Board has defined unprofessional conduct by adopting the standards of practice at 26 C.S.R. § 4-1 *et seq.* and violations of these standards of practice may be grounds for disciplinary action by the Board pursuant to W. Va. Code § 30-10-19(g)(3).
4. That the Board served a *Complaint* upon the Respondent pursuant to the laws and regulations of West Virginia.

CONSENT OF LICENSEE

I, Gregory Eaton, by affixing my signature hereto, acknowledge the following:

1. That I have had the opportunity to consult with counsel and execute this Consent Agreement voluntarily, freely, without compulsion or duress and mindful that it has legal consequences.
2. That no person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth herein.
3. That I acknowledge that I am aware that I may pursue this matter through appropriate administrative and/or court proceedings, and I am aware of my legal rights regarding this matter, but intelligently, knowingly and voluntarily waive such rights.
4. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. That I admit that my actions were unprofessional and a violation of the Rules of the Board.

The Respondent, Gregory Eaton, by affixing his signature hereon, agrees to the following:

ORDER

On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent is hereby REPRIMANDED for his actions in this matter.
2. Respondent's current SUSPENSION pursuant to W. Va. Code R. § 26-2-6.1 is hereby terminated effective upon the entry date of this *Order*.
3. Respondent is hereby PROHIBITED from working at Avalon Animal Hospital, his employer prior to the suspension, as a licensed veterinarian effective upon the entry date of this *Order*.
4. Respondent shall be placed on probation for a period of two (2) years effective upon the entered date of this Agreement. During this probationary period the Respondent shall adhere to the following terms:
 - a. Respondent shall abide by the terms of the Supervisory Agreement which is herein incorporated as part of this Consent Agreement and Order.
 - b. Respondent shall be subject to random inspections of his veterinary practice including, review of medical records and observation of any medical procedures. Respondent shall bear the cost of these random inspections by the Board which shall be payable to the Board within thirty (30) days of the inspection.

5. Respondent shall reimburse the Board for the costs of these proceedings, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case. This reimbursement shall be paid within six months from the entered date of this *Order*.

6. Any violation of this *Consent Agreement and Order*, or failure to adhere to its terms may result in the immediate suspension of the Respondent's license.

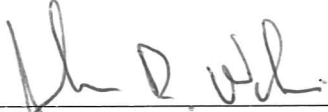
7. The Board is bound by agreement and by law to report the results of all disciplinary actions, including the instant matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database.

8. That this document is a public record as defined in W. Va. Code § 29B-1-2(4).

9. This *Consent Agreement and Order* constitutes the entire agreement between the parties.

In recognition of this *Consent Agreement and Order* and these terms, we hereby affix our signatures.

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE

By: 
JOHN R. WILSON, DVM
BOARD CHAIR

Entered: 5-31-2016
DATE

Reviewed and agreed to by:

Greg Eaton

Greg Eaton, Respondent

May 11, 2016

DATE

Jeff C. Woods

Jeff C. Woods, Esquire
Counsel for Respondent

May 11, 2016

DATE

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v.

Case No. 0915B

**GREGORY EATON, D.V.M.,
Respondent.**

SUPERVISORY AGREEMENT

This Supervisory Agreement is entered into between the Complainant and Respondent in the above-referenced matter in order to outline the terms of the supervision as required pursuant to the Consent Agreement and Order entered into by these parties.


Respondent, Gregory Eaton, (Respondent), by affixing his signature hereto, acknowledges consents and agrees to the following:

1. Respondent agrees to be supervised, during the two (2) year period of his probation as outlined in the Consent Agreement and Order, by Dr. Daniel A. Toler (Supervisor). This supervision by Dr. Toler shall include the following:
 - a. The Respondent shall only practice at Dr. Toler's place of business Danville Animal Clinic ("Clinic") while Dr. Toler is physically present at the Clinic;
 - b. Dr. Toler shall be available to consult with the Respondent while he is working at the clinic;

c. Dr. Toler shall review all radiographs and ordered laboratory results prior to discharge of patient; Dr. Toler shall review and approve all treatment plans for inpatient and/or hospitalized patients prior to treatment and upon discharge; Dr. Toler shall examine all surgical patients prior to discharge.

i. The "review" of patients, includes a review of medical records accompanying each patient.

2. Respondent bears all costs and expenses associated with the supervision.
3. Respondent understands that if he fails to comply with the terms of this Supervisory Agreement that he will be in violation of the Consent Agreement and Order previously entered in this matter and that his license will immediately be suspended and that he may be subject to further disciplinary action by the Board.
4. Dr. Toler as the Board approved Supervisor for the Respondent and by affixing his signature hereto, acknowledges consents and agrees to the following:
 - a. Dr. Toler agrees to act as the Board approved Supervisor for the above named Respondent during the mandated period of his supervision;
 - b. Dr. Toler has been provided a copy of the Consent Agreement and Order entered into between the Board and the Respondent in this matter and understands the terms of that Agreement;
 - c. Dr. Toler shall provide a quarterly report to the Board including the following:

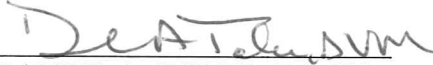
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- a. That based upon a review of records and general observations, Respondent is in compliance with the applicable statutes and regulations pertaining to the practice of veterinary medicine in the State of West Virginia and is in compliance with the terms of the Consent Agreement and Order entered in this matter;
- d. Dr. Toler understands that in the event he determines that the Respondent is not in compliance with the terms of this Supervisory Agreement or with the terms of the Consent Agreement and Order, that he shall immediately notify the Board of such noncompliance and the reporting of such information is considered confidential until such time the Board decides whether there is probable cause for a violation of the Board's governing statute and rules.
- e. Dr. Toler understands that the information he provides to the Board is solely in connection with the Board's statutory duty as a professional licensing agency for the State of West Virginia and pursuant to the Consent Agreement and Order;
- f. Dr. Toler understands that if he fails to carry out his responsibilities pursuant to the Supervisory Agreement that he may be subject to disciplinary action by the Board;
- g. In the event that Dr. Toler is unable to continue his relationship as Supervisor for Respondent, he agrees to notify the Board in writing immediately.

It is understood by all parties that the period of supervision is effective upon entry of the Consent Agreement and Order and will remain in effect for a period of two (2) years. The period of this Supervisory Agreement corresponds to the period of mandated supervision in the Consent Agreement and Order.

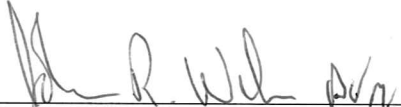
In recognition of this Supervisory Agreement, we hereby affix our signatures.

 Dwn
GREGORY EATON, D.V.M.
RESPONDENT

5/12/16
DATE

 Dwn
DANIEL A. TOLER, D.M.V.
SUPERVISOR

5-13-16
DATE

 Dwn
ROBERT A. WILSON, D.M.V.
BOARD CHAIR

5-31-16
DATE

John R.

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Respondent, Gregory Eaton, (Respondent), by affixing his signature hereto, acknowledges consents and agrees to the following:

1. Respondent agrees to be supervised, during the two (2) year period of his probation as outlined in the *Consent Agreement and Order*, by Dr. Daniel A. Toler (Supervisor). This supervision by Dr. Toler shall include the following:

- a. The Respondent shall only practice at Dr. Toler's place of business Danville Animal Clinic ("Clinic") while Dr. Toler is physically present at the Clinic;
- b. Dr. Toler shall be available to consult with the Respondent while he is working at the clinic;

- c. Dr. Toler shall review all radiographs and ordered laboratory results prior to discharge of patient; Dr. Toler shall review and approve all treatment plans for inpatient and/or hospitalized patients prior to treatment and upon discharge; Dr. Toler shall examine all surgical patients prior to discharge.
 - i. The "review" of patients, includes a review of medical records accompanying each patient.
 - ii. Each patient's record needs to be dated and initialed by Dr. Eaton and then by Dr. Toler after reviewing the patient's record.
- 2. Respondent bears all costs and expenses associated with the supervision.
- 3. Respondent understands that if he fails to comply with the terms of this *Supervisory Agreement* that he will be in violation of the *Consent Agreement* and Order previously entered in this matter and that his license will immediately be suspended and that he may be subject to further disciplinary action by the Board.
- 4. Dr. Toler as the Board approved Supervisor for the Respondent and by affixing his signature hereto, acknowledges consents and agrees to the following:
 - a. Dr. Toler agrees to act as the Board approved Supervisor for the above named Respondent during the mandated period of his supervision;
 - b. Dr. Toler has been provided a copy of the *Consent Agreement* and Order entered into between the Board and the Respondent in this matter and understands the terms of that Agreement;
 - c. Dr. Toler shall provide a quarterly report to the Board including the following:

- a. That based upon a review of records and general observations, Respondent is in compliance with the applicable statutes and regulations pertaining to the practice of veterinary medicine in the State of West Virginia and is in compliance with the terms of the *Consent Agreement and Order* entered in this matter;
- d. Dr. Toler understands that in the event he determines that the Respondent is not in compliance with the terms of this Supervisory Agreement or with the terms of *the Consent Agreement and Order*, that he shall immediately notify the Board of such noncompliance and the reporting of such information is considered confidential until such time the Board decides whether there is probable cause for a violation of the Board's governing statute and rules.
- e. Dr. Toler understands that the information he provides to the Board is solely in connection with the Board's statutory duty as a professional licensing agency for the State of West Virginia and pursuant to the *Consent Agreement and Order*;
- f. Dr. Toler understands that if he fails to carry out his responsibilities pursuant to the *Supervisory Agreement* that he may be subject to disciplinary action by the Board;
- g. In the event that Dr. Toler is unable to continue his relationship as Supervisor for Respondent, he agrees to notify the Board in writing immediately.

It is understood by all parties that the period of supervision is effective upon entry of the *Consent Agreement and Order* and will remain in effect for a period of two (2) years. The period of this *Supervisory Agreement* corresponds to the period of mandated supervision in the *Consent Agreement and Order*.

In recognition of this *Supervisory Agreement*, we hereby affix our signatures.

G. M. E. DVM
GREGORY EATON, DVM.
RESPONDENT

11/18/16
DATE

D. A. Toler DVM
DANIEL A. TOLER, DVM
SUPERVISOR

11/18/16
DATE

J. R. Wilson
JOHN R. WILSON, DVM
BOARD CHAIRMAN

12-1-16
DATE

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Respondent, Gregory Eaton, (Respondent), by affixing his signature hereto, acknowledges consents and agrees to the following:

1. Respondent agrees to be supervised, during the two (2) year period of his probation as outlined in the *Consent Agreement and Order*, by Dr. Christina Osborne (Supervisor). This supervision by Dr. Osborne shall include the following:

- a. The Respondent shall only practice at Dr. Osborne 's place of business Danville Animal Clinic ("Clinic") while Dr. Osborne is physically present at the Clinic;
- b. Dr. Osborne shall be available to consult with the Respondent while ~~he~~ is working at the clinic;

c. Dr. Osborne shall review all radiographs and ordered laboratory results prior to discharge of patient; Dr. Osborne shall review and approve all treatment plans for inpatient and/or hospitalized patients prior to treatment and upon discharge; Dr. Osborne shall examine all surgical patients prior to discharge.

i. The "review" of patients, includes a review of medical records accompanying each patient.

ii. Each patient's record need to be dated and initialed by Dr. Eaton and then by Dr. Osborne after reviewing the patient's record.

2. Respondent bears all costs and expenses associated with the supervision.

3. Respondent understands that if he fails to comply with the terms of this *Supervisory Agreement* that he will be in violation of the *Consent Agreement* and Order previously entered in this matter and that his license will immediately be suspended and that he may be subject to further disciplinary action by the Board.

4. Dr. Osborne as the Board approved Supervisor for the Respondent and by affixing ^{her}his signature hereto, acknowledges consents and agrees to the following:

a. Dr. Osborne agrees to act as the Board approved Supervisor for the above named Respondent during the mandated period of his supervision;

b. Dr. Osborne has been provided a copy of the *Consent Agreement* and Order entered into between the Board and the Respondent in this matter and understands the terms of that Agreement;

- c. Dr. Osborne shall provide a quarterly report to the Board including the following:
 - a. That based upon a review of records and general observations, Respondent is in compliance with the applicable statutes and regulations pertaining to the practice of veterinary medicine in the State of West Virginia and is in compliance with the terms of the *Consent Agreement and Order* entered in this matter;
- d. Dr. Osborne understands that in the event ~~she~~ determines that the Respondent is not in compliance with the terms of this Supervisory Agreement or with the terms of *the Consent Agreement and Order*, that ~~she~~ shall immediately notify the Board of such noncompliance and the reporting of such information is considered confidential until such time the Board decides whether there is probable cause for a violation of the Board's governing statute and rules.
- e. Dr. Osborne understands that the information ~~she~~ provides to the Board is solely in connection with the Board's statutory duty as a professional licensing agency for the State of West Virginia and pursuant to the *Consent Agreement and Order*;
- f. Dr. Osborne understands that if ~~he~~ fails to carry out his responsibilities pursuant to the *Supervisory Agreement* that ~~she~~ may be subject to disciplinary action by the Board;

g. In the event that Dr. Osborne is unable to continue ^{her} his relationship as Supervisor for Respondent, she agrees to notify the Board in writing immediately.

It is understood by all parties that the period of supervision is effective upon entry of the *Consent Agreement and Order* and will remain in effect for a period of two (2) years. The period of this *Supervisory Agreement* corresponds to the period of mandated supervision in the *Consent Agreement and Order*.

In recognition of this *Supervisory Agreement*, we hereby affix our signatures.

G. M. E. DVM
GREGORY EATON, DVM.
RESPONDENT

11/18/16
DATE

Christina Osborne DVM
christina DANIELA A. OSBORNE, DVM
SUPERVISOR

11/19/16
DATE

J. R. Wilson
JOHN R. WILSON, DVM
BOARD CHAIRMAN

12-1-16
DATE