

**STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

IN THE MATTER OF:

*

OMOBOLAJI ENIOLA, D.V.M.

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DOCKET NO. 17-17

LICENSE NO. 5841

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 12th day of March, 2018, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Dr. Omobolaji Eniola, D.V.M. ("Dr. Eniola") (License Number 5841). This Consent Agreement resolves the charges filed by the SBVME on or about September 5, 2017 in Docket No. 17-17 alleging that Dr. Eniola violated COMAR 15.14.01.07A (Professional Judgment and Practice), in her treatment and care of "Bella," a three year old French Bulldog owned by Dorien Sears and Jeffrey Simmons.

Having received the charges and notice of agency action, Dr. Eniola through counsel, has asked to resolve the charges informally. By entering into this Consent Agreement, Dr. Eniola waives the right to a hearing and an appeal on the charges in Docket No.17-17.

Under Maryland law, the SBVME is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating the provisions of the Veterinary Practice Act, Agriculture Article, §§ 2-301 through 2-316, Annotated Code of Maryland ("Veterinary Practice Act") and related COMAR regulations adopted pursuant to this law. See COMAR 15.14.01 through 15.14.17.

As part of its authority, the SBVME "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board rules and regulations after receiving a license." Md. Code Ann., Agric. Art., §2-310(8). The Board may also impose a civil penalty of not more than \$5,000 for a first offense, or \$10,000 for a second or subsequent offense, in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. Md. Code Ann., Agric. Art., § 2-310.1 In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any history of prior violations, as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Gov't Art. § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Omobolaji Eniola, D.V.M., License Number 5841, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Eniola violated COMAR 15.14.01.07A (Professional Judgment and Practice), in her treatment and care of "Bella," a three year old French Bulldog owned by Dorien Sears and Jeffrey Simmons. Specifically:

1. At all times relevant to this charge, Dr. Eniola was a licensed veterinarian and the owner and responsible veterinarian at Little Angels Pet Clinic ("LAPC") (License No. 03-040), located at 6800 Harford Road, Baltimore, MD 21234.
2. On or about November 13, 2016, Dorien Sears ("Ms. Sears") took a pregnant three year old French Bulldog, "Bella," owned by Ms. Sears and Jeffrey Simmons ("Mr. Simmons") to LAPC. Ms. Sears had been engaged by Mr. Simmons to care for Bella during her pregnancy and to

arrange for delivery of her puppies. Prior to November 13, 2016, Ms. Sears had contacted Dr. Eniola to discuss the delivery of Bella's puppies.

3. On November 12, 2016, the day before visiting LAPC, Ms. Sears contacted Dr. Eniola several times by telephone to describe symptoms that Bella was experiencing which suggested that labor was approaching. Ms. Sears advised Dr. Eniola that Bella was eating and acting normal, but her temperature had dropped, possibly indicating the onset of labor.

4. On November 13, 2016, Ms. Sears brought Bella to LAPC. At the time she presented at LAPC, Bella had not previously been examined by Dr. Eniola. In fact, Bella had not been examined by any veterinarian after she was artificially inseminated on September 11 and 13, 2016.

5. Once Bella arrived at LAPC on November 13, 2016, Dr. Eniola examined Bella and found her to be in generally poor condition. Bella's mucous membranes were pale and tacky, according to Dr. Eniola, and Bella appeared lethargic and depressed. Dr. Eniola found Bella to be in active labor at this time.

6. Dr. Eniola told Ms. Sears that Bella might be anemic and expressed concern about Bella's overall condition. Dr. Eniola recommended taking Bella to an emergency hospital; however, Ms. Sears disputes this fact. It is undisputed that Bella was not taken to an emergency hospital on November 13, 2016. Instead, Dr. Eniola performed a c-section on Bella.

7. Dr. Eniola told Ms. Sears that she would give Bella something for the anemia and start her on IV fluids before performing the c-section. However, when Dr. Eniola attempted to obtain vascular access for fluids prior to surgery, an IV catheter could not be established. Dr. Eniola administered fluids subcutaneously.

8. At approximately 10:00 a.m., Dr. Eniola performed Bella's emergency c-section and delivered seven healthy puppies. The surgery was completed by 11:15 a.m., and Bella was conscious and awake by 11:35 a.m.

9. At approximately 11:45 a.m., Bella showed signs of respiratory distress and her condition began to decline. CPR was started, and Dr. Eniola administered epinephrine. However, Bella could not be resuscitated. Bella died at approximately 11:55 a.m.

10. In treating Bella, Dr. Eniola exhibited poor professional judgment, in violation of COMAR 15.14.01.07A (Professional Judgment). Specifically, given the fact that Bella was in very poor condition when she arrived for the c-section, was severely anemic, and was dehydrated, as evidenced by dry and tacky mucus membranes, performing the c-section carried a high risk of death for Bella and her puppies.

11. Bella's poor condition was further evidenced by the fact that Dr. Eniola was unable to place an IV catheter, which is a sign of dehydration and an indicator of low blood pressure.

12. Given Bella's poor condition, a reasonable veterinarian in Dr. Eniola's position should have refused to perform the surgery and should have required that Ms. Sears immediately transport Bella to an emergency hospital.

13. Dr. Eniola also exhibited poor professional judgment by failing to fully explain to Ms. Sears the seriousness of Bella's condition and the risks associated with performing surgery on November 13, 2016, particularly once the IV catheter could not be established. Dr. Eniola should have explained the risks to Ms. Sears, and should have required Ms. Sears to give written consent for the surgery in light of the risk.

Based on the foregoing findings of fact, the SBVME concludes that Dr. Omobolaji Eniola, D.V.M., License Number 5841, violated COMAR 15.14.01.07A (Professional Judgment and

Practice), in her treatment and care of "Bella." Taking the facts and circumstances into consideration, including the nature of the violation, Dr. Eniola's lack of a disciplinary history with the Board, and her good faith efforts to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution includes the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 12th day of March, 2018, by the State Board of Veterinary Medical Examiners, ORDERED that for violations of COMAR 15.14.01.07A (Professional Judgment and Practice):

- (a) Dr. Eniola is assessed a Civil Penalty in the amount of \$500, payable to the "Maryland Department of Agriculture" with the notation "SBVME - 17-17." The Board acknowledges received of this payment on January 11, 2018;
- (b) Dr. Eniola's license to practice veterinary medicine is hereby suspended for one week, stayed. The one-week stay of suspension of the license is contingent upon compliance with the conditions of probation and with the terms of this Consent Order;
- (c) Dr. Eniola shall serve a period of probation of six months from the date of this Order. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement based on acts which occurred during the period of probation. Violation of probation may result in the stay being lifted, the suspension of the license for one week being imposed, and further disciplinary action and sanctions.

- (d) As a further condition of probation, within six months of the date of this Order, Dr. Eniola shall complete six hours of continuing education ("CE") in small animal surgery, pre-approved by the Board. Within 30 days of completion of this CE, Dr. Eniola shall forward to the Board documentation from the CE provider showing proof of completion of the CE credits under this Order. Proof from the CE provider shall include Dr. Eniola's name, the number of CE hours completed, the topics covered, and the dates the CE was given. Completion of this CE will not be counted towards the 18 credit hours of CE required annually for re-registration of the veterinary license. To verify completion of both the CE required under the terms of this Consent Agreement and the CE required for re-registration, Dr. Eniola may be subject to a CE audit in future years.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland,
this 12th day of March, 2018.

**STATE BOARD OF VETERINARY
MEDICAL EXAMINERS**



David L. Handel, D.V.M.

President

State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Omobolaji Eniola, D.V.M., acknowledge that I have had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of 8 pages. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

3/5/2018
Date

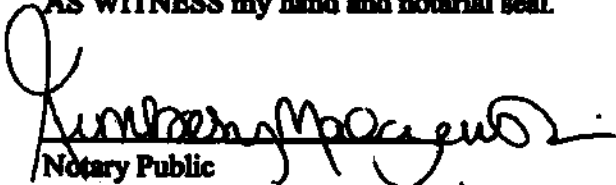

Omobolaji Eniola, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this ^{5th} ~~month~~ of March, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Omobolaji Eniola, D.V.M, and made oath in due form of law that the foregoing Consent Agreement was her voluntary act and deed.

AS WITNESS my hand and notarial seal.


Notary Public
My commission expires: 9/22/21

