

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

IN THE MATTER OF:

OMOBOLAJI ENIOLA, D.V.M.

DOCKET NO. 17-31

LICENSE NO. 5841

* * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 20th day of March, 2018, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Omobolaji Eniola, D.V.M. ("Dr. Eniola"), License No. 5841. This Consent Agreement resolves the charges filed by the SBVME on or about March 1, 2018 in Docket No. 17-31 alleging that Dr. Eniola violated the Veterinary Practice Act, Agriculture Article, §§ 2-301 – 2-316, Annotated Code of Maryland, and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17.

By letter dated March 28, 2018, Dr. Eniola advised the Board of her decision to waive her right to a hearing on the charges and indicated that she would enter into a consent agreement with the Board. By entering into this Consent Agreement, Dr. Eniola waives the right to a hearing and an appeal on the charging document in Docket Number 17-31.

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 and related COMAR regulations adopted pursuant to this law. 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, 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 15.14.01.10-1A (Client Consent for Companion Animals and Hospitalization), in her treatment and care of "Littleman," a 10 year old cat owned by Victoria Pallanck as follows:

1. Dr. Eniola is a veterinarian licensed to practice in the State of Maryland and has been at all times relevant to these charges. Dr. Eniola was, at the time of the incidents described herein, 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 September 11, 2016, "Littleman," a 10 year old cat owned by Victoria Pallanck ("Ms. Pallanck"), presented to Dr. Eniola for evaluation of a bite wound on the left abdominal area. Dr. Eniola prescribed antibiotic drops (Clindamycin) and cleaned the wound.
3. The next day, Ms. Pallanck returned to LAPC with Littleman because the wound had closed and could not drain. Dr. Eniola recommended that a drain be placed in the wound. However, according to Ms. Pallanck, Dr. Eniola did not explain the procedure in detail. Specifically, Dr. Eniola did not inform Ms. Pallanck that Littleman would be placed under general anesthesia, did not provide an estimate of costs, and failed to obtain Ms. Pallanck's consent for the procedure.
4. Dr. Eniola placed Littleman under general anesthesia, inserted a Penrose drain, and sutured the wound. When Ms. Pallanck arrived at LAPC to pick up the cat, she was upset when she learned that Littleman had been placed under general anesthesia.

5. Subsequently, Ms. Pallanck brought Littleman back to Dr. Eniola due to complications from the drain, including fever. Later, Littleman was hospitalized for three days at another veterinary facility before he ultimately recovered.

6. On or about January 31, 2017, Ms. Pallanck filed a complaint with the Board arising from Dr. Eniola's treatment of Littleman. Ms. Pallanck alleged that Dr. Eniola never fully explained the treatment that Littleman would be receiving, including the fact that the cat would be placed under general anesthesia. Ms. Pallanck indicated that she never consented to the treatment or was provided with a statement of costs.

7. The Board investigated the Complaint, including obtaining copies of Dr. Eniola's records reflecting her treatment of Littleman. The records do not contain a written estimate of costs, nor do they reflect that the client was given information about the treatment plan, including the use of general anesthesia.

8. COMAR 15.14.01.10-1A (Client Consent for Companion Animals and Hospitalized Animals), requires that: "[f]or a non-emergency presentation, a veterinarian shall inform the client, in a manner that is understandable by a reasonable person, of the diagnostic and treatment plan." The regulation also requires that before surgery is performed, a veterinarian shall provide a written estimate of charges and obtain the client's signature indicating acknowledgment and approval.

9. In Littleman's case, Dr. Eniola failed to adequately inform the client of the diagnostic and treatment plan, failed to provide Ms. Pallanck with a written estimate of charges, and failed to obtain her signature indicating acknowledgment and approval of the surgical treatment plan for Littleman in violation of COMAR 15.14.01.10-1A.

Based on the foregoing findings of fact, the SBVME, concludes Dr. Eniola violated COMAR 15.14.01.10-1A (Client Consent for Companion Animals and Hospitalization), in her treatment and care of "Littleman," a 10 year old cat owned by Victoria Pallanck, by failing to inform the owner of the diagnostic and treatment plan, by failing to provide the owner with a written estimate of charges prior to performing surgery, and by failing to obtain client consent prior to placing the Penrose drain under general anesthesia.

Taking the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior disciplinary history at the time of the complaint, and her good faith efforts to

resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 20th day of March, 2018, by the State Board of Veterinary Medical Examiners, ORDERED that for violation of COMAR 15.14.01.10-1A (Client Consent for Companion Animals and Hospitalization):

- (a) Dr. Eniola is assessed a civil penalty of \$500.00, payable to the "Maryland Department of Agriculture" with the notation "SBVME - 17-31," within thirty (30) days of the date of this Order. The Board acknowledges full payment of the civil penalty by check received on March 30, 2018; and
- (b) Dr. Eniola shall complete the Veterinary Medical Records course offered by Dr. James F. Wilson, DVM, JD and Dr. Lance Roasa, DVM, MD, JD, through www.drip.vet within 6 months of the date of this Order and submit to the Board a certificate of completion to the Board. This continuing education ("CE") ordered as part of this Consent Agreement does not count toward meeting the CE requirements every veterinary practitioner must satisfy each Fiscal Year. To verify that all CE requirements have been met, Dr. Eniola's CE records may be subject to audit by the Board.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 20th day of March, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David 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 this Consent Agreement. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter 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 ___ 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.

5/2/18
Date

[Signature]
Omobolaji Eniola, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Harford

I HEREBY CERTIFY that on this 2 of May, 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.

[Signature]
Notary Public

My commission expires: 03/10/2022



RECEIVED
MAY 08 2018
BY: [Signature]