

**BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE**

**WEST VIRGINIA BOARD OF  
VETERINARY MEDICINE,**

**COMPLAINANT,**

**v.**

**CASE NO. 0323C**

**JACQUELINE CHEVALIER,  
VETERINARIAN LICENSE NO. 10-2006,**

**RESPONDENT.**

**CONSENT AGREEMENT AND ORDER**

NOW COME the West Virginia Board of Veterinary Medicine (“Board”) and Jacqueline Chevalier, DVM (“Respondent”) for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matter. As a means of compromise, the Board and Respondent hereby agree to resolve this matter by and through a voluntary agreement and consent to disciplinary action, with consideration given to appropriate safeguards for protection of the public.

WHEREAS, Respondent acknowledges that the Board may file a Statement of Charges alleging that she has violated certain provisions of W. Va. Code §§ 30-10-1 *et seq.* and W. Va. Code R. §§ 26-1-1 *et seq.*, and proceed to a hearing and seek disciplinary action in these matters.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle this matter without further prosecution and a formal hearing.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by Respondent.

THEREFORE, it is hereby STIPULATED and AGREED between the undersigned parties that this matter be settled and resolved, the parties having reached an understanding concerning the proper disposition of the matter in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

**FINDINGS OF FACT**

1. Respondent is a licensee of the Board, holding License No. 10-2006, and at all times relevant, practiced veterinary medicine at the Merritts Creek Veterinary Center (“Merritts Creek”) in Huntington, West Virginia.

2. On March 24, 2023, the Board received a written complaint and supporting documentation from Kaitlyn Hesson (“Ms. Hesson”) regarding the veterinary care that her dog “Cletus” received from Respondent at Merritts Creek.

3. Ms. Hesson’s complaint states that on March 6, 2023, she brought Cletus to Merritts Creek because Cletus had blood in his urine and was having accidents in the house. Respondent saw Cletus and, after Ms. Hesson explaining Cletus’s symptoms to her, stated that it sounded like a severe urinary track infection. Respondent took a urine sample from Cletus and informed Mr. Hesson that they had to dilute his urine to examine it, due to the amount of blood present. Ms. Hesson asserted that she inquired if Respondent could take additional blood work, but that Respondent informed her that it would not be necessary to take additional blood work, wrote a prescription for two antibiotics for him, and instructed Ms. Hesson to return with Cletus in ten days if his condition did not improve.

4. Ms. Hesson stated that on March 9, 2023, she took Cletus outside and he fell over while walking and struggled to stand back up. Ms. Hesson maintained that she called Merritts Creek immediately and requested to speak with a veterinarian, but was informed no one was

available and that they could not see Cletus for an appointment that day or anytime soon. Ms. Hesson asserted that she called Merritts Creek again on March 13, 2023 and scheduled an appointment for March 17, 2023, which was the earliest appointment available.

5. In the evening of March 13, 2023, Ms. Hesson took Cletus to the Kanawha Valley Veterinary Emergency Hospital. The veterinarian on duty performed an X-ray and blood work, which revealed that Cletus had a ruptured bladder that had gone septic. Ms. Hesson was informed that Cletus's bladder had likely ruptured sometime around March 6, 2023, that Cletus was not stable enough to undergo surgery, and would likely not survive surgery if he were to become stable enough to have the surgery performed. Ms. Hesson was additionally informed that had the rupture been discovered earlier, Cletus's chances of surviving would have been a lot better. Cletus was euthanized the evening of March 13, 2023.

6. By letter to Respondent dated March 27, 2023, the Board transmitted a copy of Ms. Hesson's complaint and requested that Respondent file a written response thereto within 30 days.

7. The Board received Respondent's written response on April 24, 2023, which included Cletus's medical records. Respondent stated that it is Merritts Creek's policy to complete any testing that is requested and that nothing was mentioned about the request in Respondent's notes, but that the only reason Respondent may not have performed the bloodwork requested would have been for budgetary reasons after estimates were given. Respondent asserted "[n]o estimate was given other than a verbal estimate for the urinalysis, so I suspect that bloodwork was not discussed." Respondent added that her notes demonstrated that Cletus had a normal heart rate, temperature, and respiration and likely did not have the severe symptoms of a ruptured bladder. Respondent maintained that Merritts Creek always offers walk in appointments, which cost more

than scheduled appointments, and speculated that perhaps Ms. Hesson wished to wait for a scheduled appointment due to the cost differences. Finally, Respondent stated that based on her review of Cletus's records from Kanawha Valley Veterinary Emergency Hospital, it was her opinion that Cletus's bladder likely ruptured approximately forty-eight hours prior to his presentation at the hospital.

8. The Board's Complaint Committee reviewed Ms. Hesson's complaint, Respondent's response thereto, and the medical records submitted therewith.

9. Upon recommendation of the Complaint Committee, the Board, by majority vote at its meeting on April 28, 2023, found probable cause to believe that Respondent failed to provide the adequate standard of care by declining to offer or perform additional, optional diagnostic treatments for Cletus, such as imaging, and by providing incomplete documentation of client communication in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-8.1.5 and 26-4-5.1.c.2. Accordingly, the Board determined there was sufficient evidence to warrant further proceedings and that further action should be taken against Respondent.

#### **CONCLUSIONS OF LAW**

1. Respondent is a licensee of the Board, holding License No. 10-2006, and is therefore subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-10-1 *et seq.*, and is empowered to regulate the practice of veterinary medicine in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual's license to practice veterinary medicine under the authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19 and W. Va. Code R. §§ 26-1-8 and 26-2-1 to 26-2-6.

4. Respondent does not contest that the Board has probable cause to charge her with one or more violations of the Board's governing statutes and rules based upon its investigation and findings in this matter.

5. The conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-10-19 and W. Va. Code R. §§ 26-1-8 and 26-4-5.1.c.2. Such conduct is therefore grounds for disciplinary action.

### CONSENT OF LICENSEE

I, Jacqueline Chevalier, by signing this Consent Agreement and Order, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. 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 in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. 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. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Jacqueline Chevalier, by affixing her signature hereto, agrees to the following Order.

## ORDER

Based on the foregoing, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for her actions in this matter.
2. Within three (3) months from the date of entry of this Order, Respondent shall complete three (3) hours of Board-approved continuing education on the subject of the Urinary System. These continuing education hours do not count toward the required eighteen (18) hours of continuing education. As of the date of the execution of this agreement, Respondent has presented the Board with evidence of the completion of her attendance of said continuing education and therefore, the Board acknowledges the Respondent's completion of this term of the Order.
3. Within three (3) months from the date of the entry of this Order, Respondent shall reimburse the Board the costs of this proceeding, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.
4. Any failure to comply with all provisions in the Consent Agreement and Order may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice veterinary medicine in the State of West Virginia.
5. This document is a public record as defined in W. Va. Code § 29B-1-2. The Board is bound by law and by this Agreement to report the results of all disciplinary actions, including this matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database and for posting on the Board's website.
6. This Consent Agreement and Order constitutes the entire agreement between the parties.

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

WEST VIRGINIA BOARD OF VETERINARY MEDICINE

By: Keith B. Berkeley, DVM.  
Dr. Keith Berkeley, Board Chair

Entered: 5 Feb 2024  
Date

REVIEWED AND AGREED TO BY:

Jacqueline Chevalier, DVM  
Jacqueline Chevalier, DVM  
Respondent

1-11-24  
Date

This day personally appeared before me, Jacqueline Chevalier, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of her knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 11<sup>th</sup> day of January, 2024.

My Commission expires: November 13, 2024

Donita J. Burns  
Notary Public

