

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

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

v.

Case No. 0408A

**JACQUELINE CHEVALIER,
Veterinarian License Number: 10-2006
Respondent.**

CONSENT AGREEMENT AND ORDER

After due investigation of a written complaint, the West Virginia Board of Veterinary Medicine (hereinafter "Board") determined that there was probable cause to believe that Jacqueline Chevalier (hereinafter "Respondent") has exhibited unprofessional conduct in the practice of veterinary medicine, in violation of the provisions of W. Va. Code § 30-10-1 *et seq.* The Respondent was provided with written notice of the allegations against her pursuant to the rules of the Board and the laws of this State.

Now, in lieu of hearing, the parties have reached an agreement for the resolution of Case Number 0408A 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 Jacqueline Chevalier is a licensee of the Board with license number 10-2006 and is subject to the license requirements of said Board.

2. That 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. That 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 §§ 30-1-7 and 30-10-11.

4. That on or about April 21 2008, the Board received a written complaint from an individual complaining of the treatment that her animal had received while in the care of the Respondent who, at all times relevant to this Complaint, practices at the Tri-State Animal Hospital in Huntington, West Virginia, where she was then and still is the owner.

5. That the animal was prepared and cleared for a castration procedure along with a dental cleaning.

6. That it was approximately four hours after the castration surgery before it was observed that there was a problem with the dog; hence, the post operative care and observation were possibly not adequate.

7. That in the face of a probable hemorrhagic event, some aspects of care administered to the dog were timely and appropriate, but there were possibly some flaws in the dog's management.

8. That the Complainant's dog died the same day at approximately 11:00 p.m.

9. That upon recommendation of the Complaint Committee, after reviewing the complaint and Respondent's response to said allegations, the Board, by unanimous vote, at its June 1, 2008, Board meeting determined there was sufficient evidence to warrant

further proceedings and that further action should be taken against the licensee, Jacqueline Chevalier.

10. That the Respondent's actions constitute a violation of W. Va. Code § 30-10-11(n).

CONCLUSIONS OF LAW

1. That the Board has jurisdiction to take disciplinary action against Respondent.

2. That based upon the allegations of unprofessional 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 § 30-10-11.

3. That the Board served a *Complaint* upon the Respondent pursuant to the laws and regulations of West Virginia.

CONSENT OF LICENSEE

I, Jacqueline Chevalier, 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 do not admit to the Findings of Fact as set fourth herein, but do not contest the Findings of Fact herein this proceeding.

5. That I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed in this administrative proceeding as a condition of this agreement.

The Respondent, Jacqueline Chevalier, by affixing her 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 issued a written reprimand for her actions in this matter.

2. Respondent shall complete twenty (20) classroom hours of Board approved continuing education in the area of emergency care and post surgical care. These twenty (20) classroom hours are in addition to the standard requirement of eighteen (18) contact hours that a licensee must complete for license renewal. The Board acknowledges that the Respondent has completed this requirement prior to entering into this agreement.

3. Respondent shall reimburse the Board for the costs of these proceedings up to six-thousand dollars (\$6,000.00), 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 (6) months from the entered date of this *Consent Agreement and Order*.

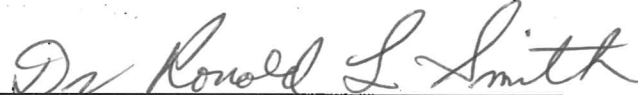
4. The Board shall report the results of all disciplinary actions, including the instant matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database.

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

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

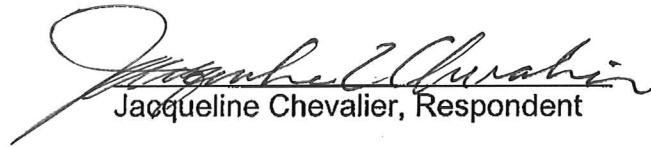
In recognition of this *Consent Agreement and Order* and these terms, we hereby affix our signatures.

WEST VIRGINIA BOARD OF
VETERINARY MEDICINE

By: 
DR. RONALD L. SMITH
PRESIDENT

Entered: 6-07-2010^{RFS}
DATE

Reviewed and agreed to by:

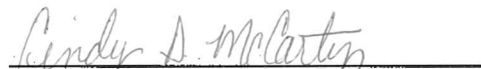

Jacqueline Chevalier, Respondent

5/19/2010
DATE



Daniel A. Earl, Esquire
Counsel for Respondent

5/20/2010
DATE


Cindy D. McCarty, Esquire
Counsel for Respondent

5-20-2010
DATE