

REC'D JUL 07 2014

WEST VIRGINIA BOARD OF  
VETERINARY MEDICINE,  
Complainant,

v.

Case No. 1013B

GREG EATON,  
Veterinarian License Number: 9303  
Respondent.

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CONSENT AGREEMENT AND ORDER

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After due investigation of a written complaint, the West Virginia Board of Veterinary Medicine (Board) determined that there was probable cause to believe that Greg Eaton (Respondent) has exhibited unprofessional and unethical conduct in the practice of veterinary medicine, in violation of the provisions of W. Va. Code ' 30-10-1 *et seq.* and the Rules of the Board, 26 C.S.R. ' 1 *et seq.* The Respondent was provided 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 have reached an agreement for the resolution of Case Number 1013B 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 Greg Eaton is a licensee of the Board with license number 9303 and is subject to the license requirements of said Board. Moreover, Dr. Eaton is the owner of Avalon Dog and Cat Hospital.
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 October 25, 2013, 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.
5. The written complaint alleged that an approximate eleven year old cat had been taken to the Respondent's veterinary practice on October 3, 2013, for problems with diarrhea and weight loss. It was explained to the Respondent that the cat had been experiencing diarrhea for approximately a month with an associated ten pound weight loss. Further, the Respondent was told that the diarrhea had cleared up for a week and with some weight gain in the stomach area; however, the diarrhea had returned.

6. Respondent examined the cat, and then administered a steroid shot. Respondent further stated that if the diarrhea did not clear up in a day or two to bring the cat back to his office.

7. Complainant believed that she was rushed out of his office and did not get her all questions fully answered by the Respondent.

8. The next day, the Complainant noticed that her cat had not improved and refused food and just lay on the floor. At this time, she took her cat to the nearest veterinarian hospital which was Good Shepherd Veterinary Hospital. Ultimately, the cat was euthanized due to a suspected tumor in his stomach.

9. Respondent did file a timely response to these allegations, and states that he did perform a physical examination of the cat. He checked the cat's weight and palpated the abdomen which he believed felt obese rather than bloated. Further, the Respondent believed that the history and examination indicated inflammatory bowel disease whereupon he elected treatment with a steroid.

10. Respondent admits that the office was very busy that evening but did not believe he rushed the Complainant out of his office. He told her to bring the cat back for a recheck if there was no improvement.

11. Respondent states that it is difficult to respond to what occurred at Good Shepherd Veterinary Hospital without records, and the cat did not appear anemic to him. Although, the Respondent admits that in hind sight a radiograph may have shown a tumor. Respondent performed no tests other than his physical examination.

12. That upon recommendation of the Complaint Committee, after reviewing the complaint and accompanying documents, the Board, by unanimous vote, at its Board meeting on April 24, 2014, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against the licensee, Greg Eaton.

13. That the Respondent's actions constitute conduct, practices or acts in violation of W. Va. Code 30-10-19(g)(3) and 26 C.S.R. ' ' 1-9.1.e and 4-4.2.

### 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.

5. Respondent failed to provide the proper care and treatment of the patient by failing to perform an adequate and complete physical examination and failed to perform any diagnostic

assessments prior to administration of a steroid. There is also no evidence of proper recordkeeping regarding the appointment on October 3, 2013. Moreover, these actions constitute conduct, practices or acts in violation of W.Va. Code 30-10-19(g)(3) and 26 C.S.R. ' ' 1-9.1.e, 4-4.2. and 4-4.9

### CONSENT OF LICENSEE

I, Greg 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, Greg Eaton, by affixing his signature hereon, agrees to the following:

### ORDER

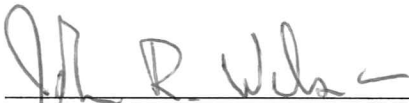
On the basis of the foregoing, the Board does hereby ORDER and DECREE that:

1. Respondent is hereby REPRIMANDED for his actions in this matter.
2. Respondent shall complete twelve (12) hours of Board approved continuing education which includes six hours in feline internal medicine, three hours in pharmacology, and three hours in record keeping practices within twelve (12) months from the entered date of this *Consent Agreement and Order*. These twelve (12) hours may be obtained either in person or on-line; however, these twelve (12) hours are in addition to the standard requirement of eighteen (18) contact hours that a licensee must complete for license renewal.
3. 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 twelve (12) months from the entered date of this *Consent Agreement and Order*.
4. 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.
5. 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.
6. That this document is a public record as defined in W. Va. Code ' 29B-1-2(4).
7. 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  
Chair

Entered: 6-10-2014  
DATE

Reviewed and agreed to by:

  
Greg Eaton, DVM, Respondent

7/5/14  
DATE