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

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| IN THE MATTER OF: | * | |
| OMOBOLAJI ENIOLA, DVM<br>LICENSE NO. 5841 | * | DOCKET NO. 22-16 |
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| PETWELL VETERINARY CENTER<br>HOSPITAL LICENSE NO. 03-00328 | * | |

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## CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 3rd day of December, 2021, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Omobolaji Eniola, DVM ("Dr. Eniola"), License No. 5841. This Order confirms the intention of Dr. Eniola to resolve Docket No. 22-16 without the issuance of formal charges. By paying the proposed civil penalty by check received on November 23, 2021, Dr. Eniola agreed to the terms and conditions set forth in this Civil Penalty Final Order, including the findings that she violated the Maryland Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 - 2-316, ("Veterinary Practice Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17.

Under State law, the Board 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 provisions of the Veterinary Practice Act and related COMAR regulations. As part of its authority, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee . . . if the veterinarian or veterinary practitioner . . . [f]ails to comply with Board rules and regulations after receiving a license[.]" Md. Code Ann., Agric. § 2-310(8). In addition, the Board may 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. Agric. § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of these violations, the good faith of the violator, and the history of prior violations, as well as the Board's 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

Dr. Eniola, after having the opportunity to seek the advice of legal counsel, voluntarily waived her right to formal charges and a hearing and agreed to pay the civil penalty of $900. In so doing, Dr. Eniola acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she violated COMAR 15.14.01.12C (Expired Medications) and 15.14.01.02H(1) (Sanitation Practices) as follows:

1. Dr. Eniola is a veterinarian who has been licensed to practice in Maryland since 2005. Dr. Eniola is the owner and responsible veterinarian at a veterinary hospital known as Petwell Veterinary Center ("Hospital") located at 8113 Harford Road, Suite 100, Baltimore, MD 21234. Dr. Eniola has no history of expired medication violations, but has been subject to discipline in two prior cases. In Docket No. 17-17, Dr. Eniola entered into a Consent Agreement in which it was found that she committed a professional judgment violation. In Docket No. 17-31, Dr. Eniola entered into a Consent Agreement finding a violation of the Board's regulations regarding client consents for companion animals.

2. On June 23, 2021, during an annual inspection of the Hospital, Board Inspector, Ellen James ("Inspector James"), found at least ten (10) expired medications in the Hospital's working stock of drugs. In addition, Ms. James found a sharps container on the floor of one of the rooms in the Hospital that was overflowing with used needles and syringes.

3. Inspector James issued a Veterinary Hospital Inspection Report, reflecting her findings on June 23, 2021. Inspector James also issued a COMAR Violation Sheet reflecting the expired medication found.

4. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal, and COMAR 15.14.01.12-3C requires that expired medications be packaged and kept separate and apart from unexpired medications until disposal of such medications. Dr. Eniola violated this regulation by allowing expired medications to be stored with non-expired medications in the working stock of the Hospital she owns and at which she serves as responsible veterinarian.

6. After the initial inspection, Inspector James conducted a follow-up on July 26, 2021. Despite the prior adverse inspection findings, Inspector James found seven additional expired medications in the Hospital's pharmacy mixed with non-expired drugs.

5. COMAR 15.14.03.02H(1) imposes requirements for handling waste materials and states that: "[s]harps, including but not limited to syringes, needles, and surgical instruments, shall be placed in a rigid, tightly lidded container that is impervious to puncture." By failing to store used sharps in a tightly lidded container and by keeping the unlidded container on the floor of her Hospital, Dr. Eniola violated COMAR 15.14.03.02H(1).

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's prior disciplinary history with the Board, which did not include expired medication violations, and the veterinarian's good faith effort to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in this matter was a civil penalty only.

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 3rd day of December 2021, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED:**

(a) That for the violation of Md. Code Ann., Agric. § 2-310(8) and COMAR 15.14.01.12-3C, Omobolaji Eniola, DVM is assessed a civil penalty in the amount of $600;

(b) That for violating COMAR 15.14.03.02H(1) (Sanitation Practices), Omobolaji Eniola, DMV, is assessed a civil penalty of $300; and

(c) The total civil penalty ($900) shall be paid within thirty (30) days from the date of this Order by check payable to the Maryland Department of Agriculture ("MDA") with the notation ("SBVME 22-16") and mailed to MDA at the address below. Dr. Eniola paid the full amount of the civil penalty prior to the date of this Order.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

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