

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

IN THE MATTER OF:

MEGAN E. ALAYON, DVM  
LICENSE NO. 7897

DOCKET NO. 19-54B

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**CONSENT AGREEMENT AND ORDER**

This Consent Agreement and Order ("Consent Agreement"), dated this 10th day of September 2021, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Megan E. Alayon, DVM ("Dr. Alayon"), License No. 7897. This Consent Agreement resolves the charges filed by the SBVME on May 28, 2020, in Docket No. 19-54B, alleging that Dr. Alayon violated the Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 – 2-316 and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 as set forth herein.

On June 8, 2020, Dr. Alayon requested a hearing on the charges. Subsequently, Dr. Alayon retained legal counsel. On January 22, 2021, Dr. Alayon and her counsel appeared by video conference before a team of Board members for a Resolution Conference. Thereafter, the parties engaged in discussions to resolve the case, which resulted in the agreement reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Alayon agrees to waive her right to a hearing on the charges in Docket No. 19-54B and further agrees to the terms and conditions of this Consent Agreement.

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. 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. § 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. Agric. § 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 civil penalty standards. Md. Code Ann., State Gov't § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Megan E. Alayon, DVM, License Number 7897, by entering into and signing this Consent Agreement, having had the opportunity to seek advice of counsel, 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. Alayon violated COMAR 15.14.01.07 (Professional Judgment and Practice) and COMAR 15.14.01.10A (Record Keeping) as set forth herein:

1. Dr. Alayon is a veterinarian licensed to practice in Maryland, where she has been licensed since 1991. Dr. Alayon was, at the time of the incidents described herein, a veterinarian at Animal Emergency Hospital ("Hospital") (License No. 12-00276), located at 722 Baltimore Pike, Bel Air, MD 21014.
2. On December 24, 2018, Yvonne House ("Ms. House") and her husband Chad House ("Mr. House") (collectively "the Owners" or "the Houses") took their twelve-year-old Chihuahua/Pug mix, CC, to the Hospital because CC seemed to be in pain. Dr. Alayon was CC's attending veterinarian at the time of admission.
3. Several days before that, the Houses had taken CC to their regular veterinary hospital, V.C.A. Newark Animal Hospital ("VCANAH"), in Newark, Delaware for vomiting, excessive thirst and urination. CC received an injection to settle her stomach and subcutaneous fluids. The treating veterinarian also prescribed a bland diet for CC. The Houses returned to VCANAH with CC on December 23, 2018, because CC had not improved. VCANAH performed blood work on CC and diagnosed her with diabetic ketoacidosis ("DKA").

4. DKA is a medical emergency that occurs when there is insufficient insulin in the body to control glucose (blood sugar) levels. Glucose cannot be used by the body properly without insulin, so a lack of insulin allows blood glucose levels to get very high and causes the body to create ketones from fat as an emergency fuel source. If glucose cannot be regulated, high ketone levels change the body's acid/base balance. As the body becomes more acidic, appropriate fluid balance cannot be maintained, which can lead to abnormal heart rhythms and abnormal muscle function. If left untreated, diabetic ketoacidosis is fatal.

5. According to CC's medical record from VCANA, the Houses declined treatment at VCANA and took CC home to consider euthanasia. The Houses sought no further medical treatment for CC until the Houses brought her to the Hospital on December 24, 2018.

6. During her examination of CC on December 24, 2018, Dr. Alayon explained to the Owners that CC was suffering from DKA and recommended hospitalizing CC. Dr. Alayon told the Owners that she had treated many cases of DKA in the past, and that once stabilized and with daily insulin injections, CC had a good chance of living a normal life. The Houses agreed to the treatment plan and left CC in Dr. Alayon's care.

7. Generally, dogs diagnosed with DKA are hospitalized and placed on intravenous fluid therapy to reverse dehydration and ensure adequate fluids in the tissues. They are also given insulin therapy to bring the blood sugar level down quickly. Careful monitoring of patients is vital for successful treatment outcomes. Blood sugar levels, electrolyte levels, and the acid-base balance should be measured frequently in hospitalized patients with DKA.

8. Another Hospital veterinarian, Gretchen E. Ruby, D.V.M. ("Dr. Ruby")(License No. 3893), was on duty from the evening of December 24 through the morning of December 25, 2018, at which time CC's case was rounded and care transferred to Dr. Alayon.

9. Dr. Alayon assumed responsibility for CC's care at approximately 7:00 a.m. on December 25. On December 25, most veterinary practices are closed, so the Hospital was extremely busy.

10. At approximately 9:45 a.m. on December 25, 2018, the Houses called the Hospital to check on CC. They spoke with a Hospital receptionist, who reported that CC was responding well to her treatment. Later in the day, the Houses called the Hospital to say they were coming to visit CC.

11. The Houses arrived at the Hospital just after 6:00 p.m. and asked to spend time with CC. After a short wait, the Houses were escorted to CC's cage by a staff person and given time to visit with CC. While the Houses were petting CC, they noticed that her breathing was sporadic. The Houses asked a staff person to find a doctor or someone with medical knowledge to check on CC and speak with them. The staff person left the room and returned, saying that Dr. Alayon was in the middle of a procedure and would talk to them when she was finished or would call them if the Houses were done visiting and wanted to go home.

12. The Houses were too concerned about CC's condition and dyspnea to leave her at that time. They observed CC's dyspnea become worse and told one of several staff members who were in the room at the time that something was clearly wrong with CC. Again, they asked that a doctor examine CC immediately. One of the staff members left the room and brought back Dr. Alayon to examine CC.

13. Dr. Alayon immediately moved CC to another table and intubated her to begin oxygen therapy. Dr. Alayon told the Houses that CC's treatment for DKA was interacting with her heart murmur. While CC was being intubated, CC went into cardiac arrest. After receiving permission from the Houses, Dr. Alayon successfully resuscitated CC. According to the Houses, Dr. Alayon told them that CC only had a 4 percent chance of survival. Subsequently, the Houses made the difficult decision to have CC euthanized while Ms. House held her.

14. The Houses subsequently filed a complaint with the Board. The Board opened an action and conducted an investigation, which included obtaining and reviewing medical records and an expert review of the case. Ultimately, the Board concluded that Dr. Alayon provided substandard care and found that her record keeping was deficient.

15. COMAR 15.14.01.07A (Professional Judgment and Practice) provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and treatment which are customary among veterinarians in this State." Dr. Alayon failed to satisfy the standard for emergency

veterinarians because she did not conduct adequate monitoring or perform necessary physical examinations of CC while CC was in her care. According to the medical record prepared by Dr. Alayon, she assessed CC at 7:00 a.m. on December 25, 2018, when CC's case was rounded to her by Dr. Ruby. The record does not contain other evidence that Dr. Alayon examined CC at any time before the Owners came to visit that evening. Dr. Alayon's failure to examine CC and document her examinations in the record is not in accordance with the standard of care expected of a reasonable veterinarian at an emergency hospital. In addition, the record prepared by Dr. Alayon contains no treatment plan for CC while in her care or evidence that she checked CC's electrolytes. Under the circumstances, Dr. Alayon should have checked CC's electrolytes during her shift.

16. An additional problem with Dr. Alayon's care involves the decision to euthanize CC. There is no evidence in the record reflecting what factors she considered when advising the Owners about their options CC, including euthanasia.

17. Dr. Alayon's record keeping also was deficient. COMAR 15.14.01.10A (Record Keeping) requires, for a companion animal, that a veterinarian prepare a legibly written record that accurately and thoroughly reflects the treatment provided, including the progress and disposition of the case. Dr. Alayon failed to satisfy that standard in several ways, including her failure to document any physical examinations of CC after 7:00 a.m. on December 25. While Dr. Alayon, in a statement provided to the Board during its investigation, states that she performed a physical examination of CC at 8 a.m. and again at 5 p.m. that day, there is no mention of these examinations in the record. In addition, the medical record prepared by Dr. Alayon did not contain an assessment of the patient, including the heart murmur or a plan for treatment, nor did she document the factors discussed with the Owners before the decision to euthanize.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's lack of disciplinary history, her acceptance of responsibility and remorse for the outcome, and her good faith cooperation in resolving this matter, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

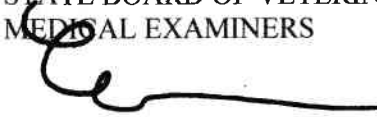
**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10<sup>th</sup> day of September 2021, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violating COMAR 15.14.01.07 (Professional Judgment) in her care and treatment of CC, a 12-year-old Chihuahua/Pug mix owned by Yvonne and Chad House, by failing to conduct and document physical examinations of CC while CC was in her care, and failing to monitor CC's electrolyte levels, Dr. Alayon is hereby CENSURED;
- (b) For violating COMAR 15.14.01.10A (Record Keeping) in the course of her care and treatment of CC, a 12-year-old Chihuahua/Pug mix owned by Yvonne House and Chad House, by failing to prepare a written record for a companion animal that accurately and thoroughly reflects the treatment provided, Dr. Alayon shall pay a civil penalty of \$300; and
- (c) Dr. Alayon shall pay the civil penalty within thirty (30) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 19-54B" and mailed to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 10<sup>th</sup> day of September, 2021.

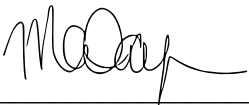
STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS

  
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Elizabeth Callahan, DVM  
President  
State Board of Veterinary Medical Examiners  
Maryland Department of Agriculture

**CONSENT**

I, Megan E. Alayon, DVM, 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. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of 9 pages. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

Date: 09/09/2021

  
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Megan E. Alayon, DVM