

**BEFORE THE
VETERINARY MEDICAL BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Citation Against:

Deborah Sullivan,

and

Twinkle Teeth, LLC,

Respondents

Citation No. 4602018000108

CITATION

Complainant alleges:

PARTIES

1. Jessica Sieferman (“Complainant”) brings this Citation solely in her official capacity as the Executive Officer of the Veterinary Medical Board (“Board”), Department of Consumer Affairs, State of California.
2. The Board’s records fail to reveal that Deborah Sullivan (“Respondent”) has been issued a Veterinarian License.
3. The Board’s records fail to reveal that Twinkle Teeth, LLC, has been issued a Veterinary Premises Registration.

STATUTORY PROVISIONS

4. Business and Professions Code (BPC) sections 125.9, 148, and 4875.2 and California Code of Regulations (CCR), title 16, section 2043 authorize the Executive Officer of the Board to issue citations containing orders of abatement and/or administrative fines against a licensee of the Board, or to an unlicensed

person, who has committed any acts or omissions in violation of the Veterinary Medicine Practice Act (Act).

5. BPC section 4825, states:

It is unlawful for any person to practice veterinary medicine or any branch thereof in this State unless at the time of so doing, such person holds a valid, unexpired, and unrevoked license as provided in this chapter. provides that it is unlawful for any person to practice veterinary medicine or any branch thereof in this State unless at the time of so doing, such person holds a valid, unexpired, and unrevoked license as provided in this chapter.

6. BPC section 4825.1, states, in pertinent part:

(a) "Diagnosis" means the act or process of identifying or determining the health status of an animal through examination and the opinion derived from that examination.

[...]

7. BPC section 4826, states, in pertinent part:

A person practices veterinary medicine, surgery, and dentistry, and the various branches thereof, when he or she does any one of the following:

[...]

(b) Diagnoses or prescribes a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals.

(c) Administers a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of animals, except where the medicine, appliance, application, or treatment is administered by a registered veterinary technician or a veterinary assistant at the direction of and under the direct supervision of a licensed veterinarian subject to Article 2.5 (commencing with Section 4832) or where the drug, including, but not limited to, a drug that is a controlled substance, is administered by a registered veterinary technician or a veterinary assistant pursuant to Section 4836.1. However, no person, other than a licensed veterinarian, may induce anesthesia unless authorized by regulation of the board.

[...]

8. BPC section 4853, states, in pertinent part:

(a) All premises where veterinary medicine, veterinary dentistry, veterinary surgery, and the various branches thereof is being practiced shall be registered with the board. The certificate of registration shall be on a form prescribed in accordance with Section 164.

(b) "Premises" for the purpose of this chapter shall include a building, kennel, mobile unit, or vehicle. Mobile units and vehicles shall be exempted from independent registration with the board when they are operated from a building or facility which is the licensee manager's principal place of business and the building is registered with the board, and the registration identifies and declares the use of the mobile unit or vehicle.

[...]

REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 2037, states, in pertinent part:

(a) The term "dental operation" as used in Business and Professions Code section 4826 means:

(1) The application or use of any instrument, device, or scaler to any portion of an animal's tooth, gum or any related tissue for the prevention, cure or relief of any wound, fracture, injury or disease of an animal's tooth, gum or related tissue; and

(2) Preventive dental procedures including, but not limited to, the removal of calculus, soft deposits, plaque, stains or the smoothing, filing, scaling or polishing of tooth surfaces.

[...]

CAUSE FOR CITATION

10. On or about December 10, 2016, Respondent made a diagnosis of inflammation and tooth mobility for animal patient "A." Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (b).

11. On or about December 10, 2016, Respondent made recommendations for treatment in the form of products and care to animal patient "A." Such unlicensed conduct constitutes a violation of BPC section 4825, as defined in BPC section 4826, subdivision (c).

12. On or about December 10, 2016, Respondent represented herself as engaged in and offered veterinary dentistry for animal patient "A", as defined in CCR Section 2037, subsection (a)(1) and (2) without a current and valid premises registration. The

Board has not issued a premises registration authorizing veterinary medicine to be performed at Twinkle Teeth, LLC. Such unlicensed conduct constitutes a violation of BPC section 4853, subdivision (a).

DETERMINATION OF ISSUES
CAUSE OF ACTION

13. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (b), as set forth above in Paragraph 10. A cause of action thereby exists.
14. Violations exist pursuant to BPC section 4825, as defined in BPC 4826, subdivision (b), as set forth above in Paragraph 11. A cause of action thereby exists.
15. Violations exist pursuant to BPC section 4853, subdivision (a), as set forth in Paragraph 12. A cause of action thereby exists.

PENALTY

16. In compliance with BPC sections 148 and 4875.2 and CCR, title 16, section 2043, it is determined that:

Respondent be cited for a Class “C” violation in the amount of \$2,000.00 for the Cause for Citation, based upon a determination that the above-described facts set forth above in Paragraph 10 constitute a violation of BPC section 4825, as defined in BPC 4826, subdivision (b).

Respondent be cited for a Class “C” violation in the amount of \$2,000.00 for the Cause for Citation, based upon a determination that the above-described facts set forth above in Paragraph 11 constitute a violation of BPC section 4825, as defined in BPC 4826, subdivision (c).

Respondent be cited for a Class “C” violation in the amount of \$2,000.00 for the Cause for Citation, based upon a determination that the above-described facts set forth in Paragraph 12 constitute a violation of BPC section 4853, subdivision (a).

17. In compliance with BPC sections 125.9 and 4875.2, and CCR, title 16, section 2043, subsection (e), the total penalty for the above violations is \$6,000.00. However, pursuant to BPC section 125.9(b)(3) in no event shall the administrative fine assessed by the Board exceed \$5,000.00. Therefore, total fine amount due to the Board is \$5,000.00.

ORDER OF ABATEMENT

The Board hereby orders Respondent to cease and desist from violating BPC sections 4825, 4826, subdivision (b) and (c), and 4853, subdivision (a).

December 20, 2021

DATE

Signature on File

JESSICA SIEFERMAN
Executive Officer
Veterinary Medical Board
Department of Consumer Affairs
State of California